

Notice of Meeting:

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

Date: Tuesday 24 February 2015
Time: 1.30pm
Meeting Room: Council Chambers
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Strategy & Policy Committee OPEN AGENDA

Membership

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

Quorum: A majority of members (including vacancies)

Meeting Frequency: Six weekly

Brendan Stringer
Committee Advisor

17 February 2015
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Terms of Reference:

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

Power to act:

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

Power to recommend:

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

Sub-committees:

This Committee will be supported in its work by the:

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

Matters may be referred to this Committee from the:

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

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1 Apologies

2 Confirmation of Agenda

The Committee to confirm the agenda.

3 Declaration of Interest

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

4 Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for three minutes or longer at the discretion of the Chair.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Council Democracy Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Democracy by telephoning 07 838 6772.

Committee: Strategy & Policy Committee **Date:** 24 February 2015
Report Name: Strategy & Policy Committee **Author:** Brendan Stringer
Chairperson's Report

Status	<i>Open</i>
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Recommendation – Recommendation to Council

That:

- a) the Report be received; and
- b) the Council approves the installation of the Peace Tiles in Civic Square.

1. Attachments

2. Attachment 1 - Chairperson's Report - Strategy & Policy Committee 24 February 2015



Chairperson's Report

1. Welcome

To Her Worship the Mayor, Councillors and staff. Happy New Year and welcome to the first Strategy & Policy Committee meeting of 2015.

I'd also like to welcome Brendan Stringer our new Committee Advisor.

At our next meeting we will see the updated work programme for this committee. I look forward to your participation in healthy collegial debate as we work to add value with our decisions for the residents of our fine city.

2. Peace Tiles

The original Peace Wall in Garden Place was installed to commemorate the International Year of Peace in 1986. Due to the CityHeart redevelopment, the tiles from the wall were removed before the wall was demolished in January 2012 to accommodate the shared zone in Worley Place.

Staff have been working with the stakeholders of the original Peace Wall to develop a new artwork that would honour the peace movement in Hamilton and house the tiles from the original wall. **On 21 March 2013, Council approved the artwork site at Ferrybank Reserve.**

Several artwork options have been considered in Ferrybank Reserve but due to budget constraints, have not been feasible.

Discussions in late 2014 with representatives of the original Peace Wall stakeholder group and Public Art Panel led to a proposal for a simpler installation in Civic Plaza. It is the view of the Public Art Panel and the stakeholder group that this site, close to the original Peace Wall in Garden Place, is very appropriate, representing a 'return home' for the peace tiles. They consider that the simpler design is consistent with the nature of this commemorative work and will also enable the project to be completed within budget. *See the attached picture showing approved Ferrybank Reserve location and proposed Civic Square location.*

- **This approach is supported by** the Peace Tiles stakeholder group and the Public Art Panel.
- **This project is being funded by** a grant received by the WEL Energy Trust.
- If Council agree to this location, the tiles will be installed over the coming months.

3. Regional Policy Collaboration – working smarter

I wanted to comment on the progress we have made recently to share resources through one of the current Mayoral forum projects – Local Authority Shared Services (LASS) Policy/Bylaw work stream.

As we have heard there are over 600 documents between us and our regional partners and many hold similarities.

The LASS project is looking for opportunities to cut through this mountain of bureaucracy by working smarter. The first milestone has been reached with the resulting Significance & Engagement Policy.

The next step of the project will be similar to the process that this committee undertook last year in terms of auditing all Council policies. This will be a region wide audit and will result in the development of a policy review programme.

The project will be led by our Tegan McIntyre (reporting to the CEO of South Waikato District Council as project sponsor for LASS) with all her time and costs being funded by all LASS councils.

A process for the high level review will be shared with all participating Waikato councils.

In time the result should be a set of streamlined policy manuals and agreement across the councils, trimming the number of documents and ultimately returning a saving to all regional ratepayers.

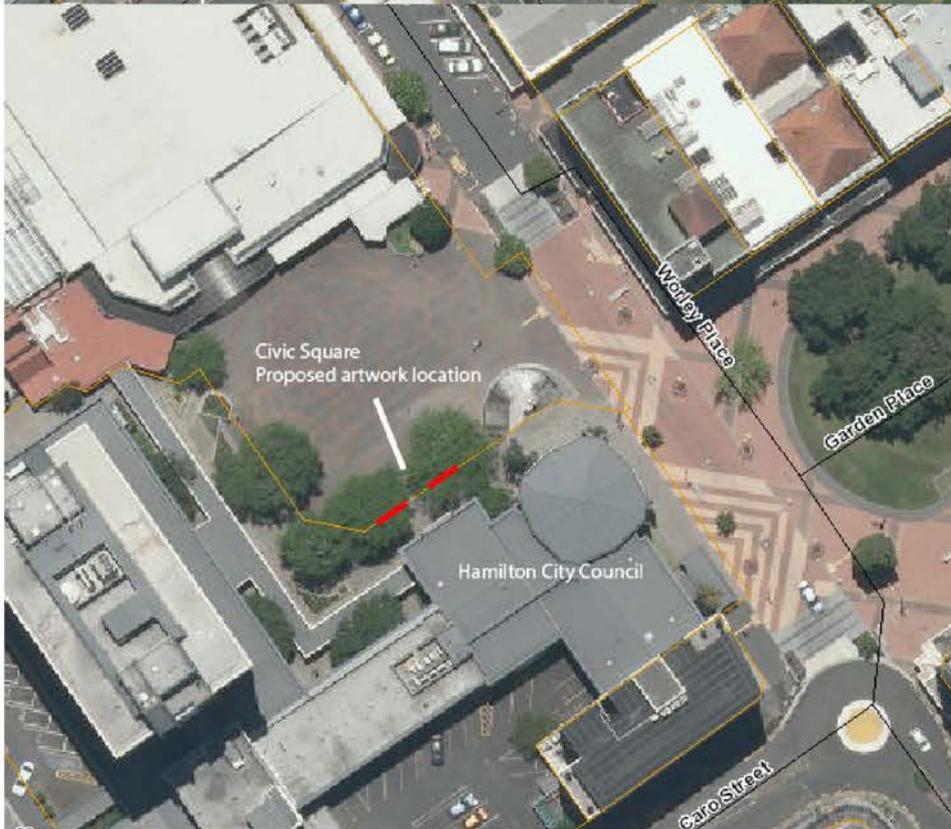
4.

Recommendation from the Chair:

4.1 That the report be received

4.2 That Council approve the installation of the Peace Tiles in Civic Square

**Councillor Angela O’Leary
Chair, Strategy & Policy Committee**



Committee: Strategy & Policy Committee **Date:** 24 February 2015
Report Name: Strategy and Policy Committee
Open Minutes 19 November
2014, Extraordinary Strategy
and Policy Committee Open
Minutes 10 November 2014,
18 February 2014 and 26
February 2014 **Author:** Brendan Stringer

Status	<i>Open</i>
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Recommendation

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

- a) the Open Minutes of the previous Meetings:
 - The Strategy and Policy Committee Meeting of 19 November 2014;
 - The Extraordinary Strategy and Policy Committee Meetings of 10 November 2014;
- b) The Open Minutes of prior Meetings in 2014 that still require approval:
 - The Extraordinary Strategy and Policy Committee Meeting of 18 February 2014; and
 - The Extraordinary Strategy and Policy Committee Meeting of 26 February 2014.

1. Attachments

2. Attachment 1 - Strategy and Policy Committee Open Minutes 19 November 2014.
3. Attachment 2 - Extraordinary Strategy and Policy Committee Open Minutes 10 November 2014
4. Attachment 3 - Extraordinary Strategy and Policy Committee Open Minutes 18 February 2014
5. Attachment 4 - Extraordinary Strategy and Policy Committee Open Minutes 26 February 2014

Strategy & Policy Committee 19 NOVEMBER 2014 - OPEN



Strategy & Policy Committee

OPEN MINUTES

Minutes of a meeting of the Strategy & Policy Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Wednesday 19 November 2014 at 1.30pm.

PRESENT

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

In Attendance: Chief Executive, General Manager Performance, General Manager City Infrastructure, General Manager Events and Economic Development, General Manager City Environments, General Manager Community, General Manager Customer Relationships, Strategy and Research Unit Manager, Community Development and Leisure Manager, City Safe Unit Manager, Communication Unit Manager, Libraries Director, Programme Manager Strategic Analysis and Business Intelligence, Programme Manager - Policy and Bylaws, City Transportation Manager, Programme Manager Bylaws, Programme Manager, Strategy and Relationship Management, Team Leader Planning and Assets, City Planning Policy Team Leader, Cemeteries and Crematorium Manager, Intermediate Planner, and Chief of Staff – Mayoral Office.

Committee Advisors Mrs W Verschaeren & Mrs J Pani

The Chair opened the Meeting and invited all present to observe a minute of silence for the victims of the recent fire in Collingwood Street.

Strategy & Policy Committee 19 NOVEMBER 2014 - OPEN

Councillor Macpherson arrived at 1.33pm prior to receiving apologies.

1. Apologies

Resolved: (Crs O'Leary/Yeung)

That apologies for lateness from Cr Gallagher be received.

2. Confirmation of Agenda

Resolved: (Crs O'Leary/Green)

The Committee confirm the Agenda, noting that additional pages would be tabled at the appropriate time during the Meeting.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Theresa Ahukawhenua had made a submission (Submission No: 034) for the Hearings regarding the Safety in Public Places Bylaw. She was not able to speak at the Hearings held on 10 November, but was keen to speak to her submission in the Public Forum. Although she did not support the proposed Bylaw, she was of the opinion that the Report did address some of the major issues. She pointed out that she did not want people who were at the mercy of their own circumstances, to be penalised.

5. Strategy and Policy Committee Minutes - Open - 15 October 2014

The Chair advised that a letter from the New Zealand Fire Service (NZFS) regarding a matter on the Minutes of the Strategy and Policy Committee of 15 October 2014 would be tabled as a matter arising from the Minutes.

Following discussion, the Chair advised that she would introduce this letter later in the Meeting as an Item of a minor matter, in accordance with Standing Order 3.5.7.

Resolved: (Crs O'Leary/Wilson)

That the Committee confirm and adopt as a true and correct record the Open Minutes of the Strategy and Policy Committee Meeting held 15 October 2014.

Strategy & Policy Committee 19 NOVEMBER 2014 - OPEN

6. Draft Significance and Engagement Policy

The Strategy and Research Unit Manager and the Programme Manager - Policy and Bylaws introduced this Item and responded to a question regarding the special consultation process. This process was required under the Local Government Act 2002. The Draft Significance and Engagement Policy explained when Council would use the special consultative process.

Recommendation to Council

Resolved: (Crs Pascoe/Forsyth)

That

- a) The report be received,
- b) The draft Significance and Engagement Policy be adopted, and
- c) Council's current Significance Policy be deleted.

7. Hamilton Cemeteries Draft Management Plan

The General Manager Community and the Team Leader Planning and Assets spoke to the Report.

It was highlighted that:

- Consultation with different departments had occurred.
- Staff suggested three Elected Members to be members of a Hamilton Cemeteries Draft Management Plan Hearings Panel.

The General Manager Community and the Team Leader Planning and Assets, assisted by the Cemeteries and Crematorium Manager, responded to questions from Elected Members regarding:

- Whether Hamilton East Cemetery would be preserved. They confirmed that the historic context and feel of the place would be preserved.
- Who was responsible for maintaining Hamilton East Cemetery, including the burial plots. Hamilton City Council was responsible for the maintenance of the site and the families of the deceased for the preservation of the headstones. However, sometimes over time, the families had moved on and, when the headstones crumbled, the Council needed to intervene.

Recommendation to Council

Resolved: (Crs O'Leary/Wilson)

That

- a) The report be received,
- b) The Hamilton Cemeteries Draft Management Plan (2014) be approved for public consultation,
- c) The Strategy and Policy Committee appoint Councillors Tooman, Chesterman and Yeung to a Hamilton Cemeteries Draft Management Plan Hearings Panel, and
- d) Staff report back to the Strategy and Policy Committee with the final plan for adoption by April 2015.

8. Hamilton City Libraries Strategic Plan 2015-2025

The General Manager Community and the Libraries Director presented this Item. A copy of the City Libraries Strategic Plan 2015-2025 was tabled. An amended page 56 of the Agenda had been circulated prior to the Meeting.

They highlighted that:

- They worked together with different stakeholders; and
- There were a number of actions that needed to happen and progress on this would need to be reported back to Council.

The General Manager Community and the Libraries Director responded to questions regarding:

- The funding of the various actions that would be required. The Strategic Plan had been developed knowing the Council's financial situation. Some of the actions would need to take place now, but other ones would be spread out over a number of years. This Plan would enable the Library to become a modern library now while also describing what a modern library would look like in the future.
- Why the Plan came to the Committee without an attached budget. It was pointed out that this was a Strategic Plan with details of actions to undertake. The financial implications however, were a budgetary issue which would be considered at a later stage.
- Whether the developments for the Library could, at this point, progress within the existing budget. It was confirmed that the Plan aimed to maximise the Library within existing resources and that this would be achieved by using a different approach.

A discussion followed during which the following points were highlighted:

- The different sizes of the stick figures on pages 12 and 13 of the Hamilton City Libraries Strategic Plan did not match the differences in percentages they represented.
- Elected Members congratulated the Members of the Working Group who developed the Plan. It provided Council with a vision to move forward into the future. The development of strategic plans was important as they provided an understanding of the future and prevented Council from repeating the same tasks every year.
- Staff would need to report back to the Committee on the way they would be undertaking the various actions within the financial parameters.
- The main priority resided with the structure and growth of the city and Council anticipated the next stage of the Hamilton City Libraries Strategic Plan.

Recommendation to Council

Resolved: (Crs Forsyth/King)

That

- a) The report be received, and
- b) The Hamilton City Libraries Strategic Plan 2015-2025 be adopted.

Strategy & Policy Committee 19 NOVEMBER 2014 - OPEN

9. Dog Exercise Area Plan

The Team Leader Planning and Assets and the Programme Manager – Bylaws presented the Report and tabled a copy of the Dog Exercise Area Plan.

They responded to a question regarding the reason why there were more dog exercising areas in the west than in the east of the city; especially as the east was more densely populated. The number of dogs in the different areas in the city was taken into account by the Working Group when this plan was developed. Also, an additional park in the east of the city needed to be added to the dog exercise areas.

The Committee thanked the internal and external Members of the Working Group, Councillor Tooman as its Chair and staff for their work on developing the Dog Exercise Area Plan.

Recommendation to Council

Resolved: (Crs O'Leary/Wilson)

That:

- a) The report be received;
- b) The Dog Exercise Area Plan (as tabled at the Committee Meeting) be approved;
- c) The Working Group meet to consider the Statement of Proposal; and
- d) The Statement of Proposal for Dog Control Bylaw 2015 and Policy be reported back to the February 2015 Strategy and Policy Committee.

10. Safety in Public Places Bylaw 2014 Adoption Report

The Programme Manager Bylaws and the City safe Unit Manager presented the Report and tabled a replacement page 2 and 3 of the Safety in Public Places Bylaw.

They responded to questions regarding:

- Whether the Report under consideration included the results of the hearings that took place recently. This was the case.
- Whether the removal of 'Police Officer' as authorised officer in the Bylaw also meant that the Police would not be able to enforce the bylaw. It was confirmed that, although the NZ Police supported the Safety in Public Places Bylaw, it would not be able to enforce it. However, if behaviour of people in public places would escalate and become criminal behaviour, it would fall out of the scope of the Bylaw and necessitate Police intervention.

During a discussion it was highlighted that:

- There were already several Agencies which dealt with problem behaviour.
- If there would be more police officers present in public places, they might be able to intervene based on existing legislation.
- This was the first time the city had a comprehensive plan for safety. The NZ Police had collaborated with the Hamilton City Council on the development of the Plan. Also, since the new Police District Commander took up his role in Hamilton, Police presence in CBD had tripled. During the last ten years the Council had worked on improving safety in the city but these improvements were fragmented. The proposed Bylaw grouped all the details together and provided a complete picture for safety in the city.
- The Plan provided a better use of resources and allowed for exchanging information with the NZ Police.
- People in public places would probably prefer being approached by an appropriately trained safety officer, rather than by a police officer.

Strategy & Policy Committee 19 NOVEMBER 2014 - OPEN

Recommendation to Council

Resolved: (Crs O'Leary/Wilson)

- a) That the report be received.
- b) The draft Safety in Public Places Bylaw 2014 be amended with the following changes:
 - (i) Amend part a) of the definition of 'Nuisance' to 'The definition in section 29 of the Health Act 1956 so far as it relates to Council functions'
 - (ii) Amend part (f) of the definition of 'Nuisance behaviour' to 'Any conduct in a public place that is likely to cause unreasonable interference with the peace, comfort or convenience of a reasonable person in the circumstances in which it occurs, whether or not that person is in a public place, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate'
 - (iii) Amend the definition of 'Offensive behaviour' to 'Behaviour in a public place that is capable of arousing real anger, resentment, disgust or outrage in the mind of a reasonable person, objectively assessed, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate'
 - (iv) Include a separate note (which is part of the bylaw) and sets out the following:
 'Note: This bylaw is required to comply with the New Zealand Bill of Rights Act 1990, which protects freedom of expression among other rights. The mere fact of participating in a public protest will not, on its own, constitute offensive or nuisance behaviour. Public order is sufficiently disturbed if the behaviour causes offence of such a kind or to such an extent that those affected are substantially inhibited in carrying out the purpose of their presence at that place'
 - (v) Replace the word 'coffee' with 'caffeine' in the definition of 'mind-altering substances'
 - (vi) Remove the reference to Police Officer in the definition of 'Authorised officer', replacing it with 'Means any enforcement officers appointed and warranted by Council under the Local Government Act 2002'
 - (vii) Adjust the numbering of the bylaw so it is correctly sequenced.
 - (viii) Amend part a) of the definition of 'nuisance behaviour' to 'Begging in a public place in a manner that is likely to cause harassment, alarm, or distress to any reasonable person, or causes an unreasonable interference with the peace, comfort or convenience of any person.'
- c) That the Safety in Public Places Bylaw 2014 be adopted and come into force on 15 December 2014.

Councillor Macpherson dissenting

The Meeting adjourned for afternoon tea from 3.00pm until 3.20pm

Councillor Gallagher arrived at 3.20pm

After a discussion on process, the Chair advised that she would not introduce the letter from the NZFS as a matter for discussion under Standing Order 3.5.7.
The document was withdrawn.

11. Enforcement Options for Central City Safety Plan

The City Safe Unit Manager presented the Report; he highlighted that:

- The enforcement options for the City Safety Plan was built on two pillars:
 1. Visibility and presence; and
 2. Engagement which would show that steps had been undertaken to deal with the problems.
- The goal was to enhance public safety and safety officers would get appropriate training to deal with problem situations.

The City Safe Unit Manager responded to questions regarding:

- Whether additional resources would be required for the training of the safety officers. The annual budget provided an increase of the budget for public safety in the city. There would be no further increase of funding required. After the training, the safety officers would be deployed differently within financial parameters.
- Whether there would not be a safety issue for the safety officers as they would be patrolling the city by themselves, compared to police officers who were set up in pairs. The City Safe Unit Manager clarified that there would be a difference between patrols during the day and the night. During the night, safety officers would work in pairs, however, during the day, visibility of the safety officers would suffice.
- Whether the patrolling safety officers would carry radios and video recorders. They would be in possession of radios and iPads, but not of video recorders.

During a discussion it was highlighted that it would be appropriate to keep the Elected Members updated regarding the collaboration with the NZ Police.

Resolved: (Crs Wilson/Tooman)

That the report be received

Strategy & Policy Committee 19 NOVEMBER 2014 - OPEN

12. Notice of Appeal lodged with the Environment Court on Decisions of the Ministry of Education on Modified Designations in the Hamilton Proposed District Plan

The General Manager City Environments supported by the City Planning Policy Team Leader presented the Report and responded to questions regarding:

- Whether the inclusion of additional land within the existing designations for educational purposes, as stated in paragraph 15 of the Report, also meant that the land would become un-ratable. This would be the case as the land would change from private to educational land.
- Whether it was the Ministry of Education's intention to manage the entire footprint by itself without interference by the Hamilton City Council. This was the case and, if no appeal was lodged, there would be a risk that the entire footprint would be designated as land for educational purposes.
- Why schools cannot decide by themselves regarding the land they occupy. It was explained that schools could do this by mediation and by following certain regulations/controls which were set in place to protect the environment. All land designations carried conditions, not only land occupied by schools.
- What the estimated cost of the appeal would be. This was currently not known.

Resolved: (Crs Chesterman/Wilson)

That the report be received

13. Hamilton Ring Road macro Scope Approval

This item was removed from the agenda.

Strategy & Policy Committee 19 NOVEMBER 2014 - OPEN

14. Approval of HCC's 22/10/14 Submission to NZTA's Notices of Requirement to Alter Existing Designations for the Waikato Expressway (Hamilton Section) to Accommodate the Ruakura Interchange and Connecting Roads

Programme Manager Strategic Analysis and Business Intelligence and the Intermediate Planner presented the Report.

Amended pages 175 and 177 of the Agenda had been circulated prior to the Meeting.

They responded to questions regarding whether the restriction of truck traffic, as stated under point 19 on p.132, meant that no trucks would be allowed, or whether truck traffic would just be restricted in some way. The aim was to restrict construction traffic and two alternate routes were presented in this regard.

Resolved: (Cr's Tooman/Chesterman)

- a) That the Report be received.
- b) That HCC's 22/10/14 submission to the 'NZTA's Notices of Requirement to Alter Existing Designations for the Waikato Expressway (Hamilton Section) to Accommodate the Ruakura Interchange and Connecting Roads' be considered and retrospectively approved.
- c) That Rice Resource Limited be advised of any changes made to HCC's submission at the 19 November 2014 Strategy and Policy Committee meeting.
- d) That subsequent to the Strategy and Policy Committee's approval, the finalised submission be uploaded to HCC's website.
- e) That local Members of Parliament be advised of HCC's submission adopted at the 19 November 2014 Strategy and Policy Committee meeting.

15. Regional Operations Roundup Report

The City Transportation Manager presented the report and responded to a question regarding why paragraph 14 referred to a final Draft of the Regional Land Transport Plan. The Manager advised that would remain a draft until after public consultation had taken place.

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

That the report be received.

Strategy & Policy Committee 19 NOVEMBER 2014 - OPEN

16. Action List for 19 November 2014, Actions Still Underway or Pending for HCC Submissions to External Organisations and Policy & Bylaw Review Scheduling

The General Manager Performance presented the Report and responded to questions regarding:

1. Whether a status of 'in progress' on the Action List meant that the estimated timeframe would be met. This was the case.
2. Why the Sustainability report was not included in the Action List. Staff would investigate why this was not the case.
3. Whether the Waste Plan needed to be added. This would be an Item on the Agenda for the next Strategy and Policy Committee Meeting.

Resolved: (Crs O'Leary/Wilson)

That the report be received and the Herbicides Policy (Streetscape Beautification) item goes to the first Council briefing in 2015.

17. Chairperson's Report

Councillor O'Leary presented her Chairperson's Report.

Resolved: (Crs O'Leary/Wilson)

That the report be received.

18. Resolution to Exclude the Public

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

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Strategy and Policy Committee Minutes - Public Excluded - 15 October 2014) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987))))	Section 48(1)(a)

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

Item C1. to prevent the disclosure or use of official information for improper gain or improper advantage Section 7 (2) (j)

The Meeting went into public excluded session from 4.20pm to 4.23pm.

The Meeting was declared closed at 4.23pm.

Strategy & Policy Committee 10 NOVEMBER 2014 - OPEN



Extraordinary Strategy & Policy Committee

OPEN MINUTES

Minutes of a meeting of the Strategy & Policy Committee held in Council Chamber, 1st Floor, Municipal Building, Garden Place, Hamilton on Monday 10 November 2014 at 9am.

PRESENT

Chairperson	Cr A O'Leary
Deputy Chairperson	Cr A King
Members	Her Worship the Mayor J Hardaker Cr G Chesterman Cr M Forsyth Cr M Gallagher Cr K Green Cr D Macpherson Cr G Mallett Cr R Pascoe Cr L Tooman Cr E Wilson Cr P Yeung
In attendance	Chief Executive, General Manager City Environments, Unit Manager Strategy and Research, Strategic Policy Analyst, Programme Manager - Bylaws, City Safe Unit Manager.
Committee Advisors	Mrs W Verschaeren and Mrs M Birch.

1. Apologies (Crs O'Leary/Wilson)

That the apologies for lateness be received and accepted from Councillors Gallagher and Pascoe.
That the apologies be received and accepted from Her Worship The Mayor Hardaker for leaving the Meeting temporarily to attend Mayoral Duties.
That the apologies be received and accepted from Councillor Chesterman and for retiring from the Meeting early on official business.

2. Confirmation of Agenda

Resolved: (Crs O'Leary/Wilson)
The Committee to confirm the agenda

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Public Forum was not required as this Meeting was a hearing of submissions.

Strategy & Policy Committee 10 NOVEMBER 2014 - OPEN

5. **Safety in Public Places 2014 Hearings Report**

The Summary of Submissions to the Proposed Safety in Public Places Bylaw had been previously circulated, along with a schedule of speakers who wished to be heard in support of their submissions. The individual submissions were available on the Hamilton City Council website at <http://www.hamilton.govt.nz/our-council/consultation-and-public-notice/haveyoursay/Pages/Proposed-Safety-in-Public-Places-Bylaw-2014.aspx>

Speakers who wished to be heard in support of their submissions presented to the Committee as follows:

Submission 59: Adelaide Roza-Marie spoke to her submission opposing the proposed Safety in Public Places Bylaw, pointing out that it would be preferable to have a bylaw that would protect the most vulnerable members of society i.e. the homeless.

Submission 4: Sandy Turner spoke to the submission of the Hamilton Central Business Association (HCBA) supporting the proposed Safety in Public Places Bylaw. She stated that Central City Safety Plan and proposed bylaw responded to safety concerns of HCBA members and would contribute to improving some people's behaviour in Hamilton CBD.

Cr Pascoe arrived at 9.15am during the above submission.

Submission 37: David McNab spoke to his submission supporting the proposed Safety in Public Places Bylaw. He was of the view that the behaviour of people on Garden Place was repellent towards businesses and customers and hoped the proposed bylaw would reduce the noise level in that area.

Cr Gallagher arrived at 9.30 am after the above submission.

Submission 60: Regan Peter Lewis spoke to his submission principally supporting the proposed bylaw. He pointed out that there should be clear guidelines regarding what constituted a public obstruction. He stated that, although urinating and defecating in front of people's doorways was unacceptable behaviour, it also raised the issue of not having public toilets available at all hours. He further proposed that, for clarity purposes, it would be appropriate to differentiate between coffee and caffeine in the definition of 'mind altering substances'.

Submission 61: Alvina Edwards spoke to the submission of the Hamilton Homeless Trust opposing the proposed Safety in Public Places Bylaw. She stated that public urinating/defecating was indeed unacceptable, but she also queried whether there was any proof connecting this unacceptable behaviour with homeless people; it could also be connected to alcohol fuelled behaviour on Thursday, Friday and Saturday evenings. She proposed that Council should reflect on indigenous and human rights, instead of penalising behaviour; no one was homeless by choice and some people fell between the cracks in the system. Criminalising homelessness was not only wrong but also very costly.

The Meeting adjourned for morning tea from 9.55 am to 10.10am.

Her Worship The Major Hardaker left the Meeting after submission 61.

Submission 57: Catherine Hodges spoke to the submission of Methodist City Action, in principle supporting the proposed City Safety Bylaw as a means to give every member of the public the right to enjoy public places that are accessible, free and inclusive. She pointed out however, that much of the intimidating behaviour that happened in the city centre originated from groups of young people and not from the homeless. She suggested one of the first steps Council should take is communicating to the public what is expected and acceptable behaviour in public places. She did not support the imposing of punitive fines.

Submission 58: Peter Humphreys spoke to the submission of the Hamilton Christian Nightshelter supporting the proposed Safety in Public Place Bylaw in principle. He pointed out that this submission was mostly related to the "begging" part of the bylaw. He suggested using an anti-begging education campaign similar to the 'Your Kindness Could Kill' campaign in the United Kingdom. The aim of the campaign would be raising public awareness that giving money to those who beg never helped; on the contrary, it contributed to sustaining living a life on the streets. He suggested looking at alternatives to the current system and for Council to advocate for a community justice approach. In Auckland, the New Beginnings Court was established by the Auckland City Council in collaboration with social agencies in 2010. The aim of New Beginnings Court was to keep people out of correctional facilities and its success was considerable.

Submission 25: Nicolina Newcombe spoke to her submission opposing the proposed Safety in Public Place Bylaw. She was concerned that the vagueness of the wording in the proposed Safety in Public Place Bylaw would allow for the prosecution of a number of people. She was also of opinion that it would not be useful to impose fines as the people who incurred these financial penalties would not be able to pay them. She proposed for Council to focus on supporting the Police and social services.

Submission 38: Brian Milicich spoke to the submission of the B.P. Milicich Trust supporting the proposed Safety in Public Place Bylaw. He pointed out that in society everybody must adhere to certain standards. Many people were avoiding coming to the city centre because of the increased anti-social and threatening behaviour of some individuals and groups of people.

Submission 56: Jeremy Roundill spoke to his submission opposing the proposed Safety in Public Place Bylaw. He explained that he worked in the city centre and saw homeless people every day which, in his opinion, indicated that the social system was failing. Removing people away from the city centre would be a symptomatic approach which would not resolve the source of the problem.

The Hearing closed at 11.20am

The Meeting resumed with deliberations at 11.40am

Deliberations

Elected Members discussed the submissions regarding the proposed Safety in Public Place Bylaw; there were some concerns regarding:

- a) The definitions of 'nuisance' and 'nuisance behaviour'. There were definitions provided in the Health Act 1956, however, these were not completely relevant. It might be appropriate to revisit these definitions and make them applicable to behaviour modification.
- b) The imposing of fines to people who would not be able to pay. This would cause ongoing costs for the Hamilton City Council (HCC). It was also suggested that it would be appropriate to look at community work and other possible alternative penalty.

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Cr Chesterman left the Meeting at 11.45am.

- c) The fact that many people had considered the Bylaw in isolation and not in combination with the Central City Safety Plan. It was suggested that a link could be included as an introduction to the Bylaw.

Her Worship The Mayor Hardaker rejoined the Meeting at 12pm.

- d) The enforceability of the proposed bylaw. This could be difficult, especially with regards to enforcement measures; it would require people who live on the street to have a fixed address.
- e) The case law linked to the definition of 'offensive behaviour'

It was suggested that Staff include the following in the Report to the 19 November 2014 Strategy and Policy Committee, which would include the proposed bylaw for adoption:

1. Look at the definition of what constitutes 'nuisance', 'nuisance behaviour' and 'offensive behaviour', including in relation to the Bill of Rights;
2. Relevant sub-context regarding the approach of other local authorities;
3. Information on what existing legislation is currently in place in relation to safety in public places, and the role of the NZ Police;
4. The benefits of adopting the proposed Safety in Public Place Bylaw;
5. Queries regarding the enforceable nature of the bylaw and a list of possible enforcement measures, including alternatives to infringement notices;
6. The reason why HCC is best placed to deliver the service; and
7. Information on the reporting and monitoring of the bylaw.

Resolved: (Crs O'Leary/Wilson)

- a) That the report be received
- b) That Council provide direction on the Safety in Public Places Bylaw 2014 to enable staff to report back to the 19 November 2014 Strategy and Policy Committee with an adoption report.

The Meeting closed at 12.25pm.

Extraordinary Strategy & Policy Committee

OPEN MINUTES

Minutes of a meeting of the Extraordinary Strategy & Policy Committee held in Chambers, Municipal Building, Garden Place, Hamilton on Tuesday 18 February 2014 at 11.00am and , reconvened on Thursday 20 February 2014 at 9.00am and Friday 21 February 2014 at 12.30am.

PRESENT

Chairperson	Cr A O'Leary
Deputy Chairperson	Cr A King
Members	Her Worship the Mayor Hardaker Cr G Chesterman Cr M Forsyth Cr K Green Cr D Macpherson Cr G Mallett Cr R Pascoe Cr L Tooman Cr E Wilson Cr P Yeung
In Attendance	Chief Executive, General Manager Performance, General Manager City Environments, General Manager Customer Relationships, General Manger Events & Economic , City Safe Unit Manager, Unit Manager Strategy and Research, Programme Manager – Policy and Bylaws, Democracy Manager, Strategic Policy Analysts x 2, Chief of Staff Mayoral Office, Community & Policy Coordinator Mayoral Office, Communication Advisor and Strategy and Research Administrator.
Committee Advisors	Mrs SL Courtney, Ms MJ Urban & Mrs MM Birch.

1. Apologies

Resolved: (Crs O'Leary/Wilson)

That the apologies from Cr Gallagher be received and accepted.

That the apologies from Crs Chesterman and Yeung for Friday 21 February 2014 be received and accepted.

2. Confirmation of Agenda

Resolved: (Cr O'Leary/Her Worship the Mayor)
The Committee to confirm the Agenda

3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

4. Public Forum

Not required.

The Hearing of Submissions in respect of the Draft Local Approved Product Policy (LAPP)

Public submissions on the Draft Local Approved Product Policy (LAPP) were sought by Council with 3 Options to consider; those Options were:

- Option 1 – Restricting retail premises selling psychoactive products to the **central city only** (Schedule 1 in the Policy),
- Option 2 - Restricting retail premises selling psychoactive products to the **central city AND in Te Rapa** (Schedule 1 and 2 in the Policy), and
- Other - Noting that the legislation does not allow for a total ban.

Public submissions on the LAPP were heard in the following order:

Tuesday, 18 February 2014 commencing 11.00am.

Garry Phillips – Ladies Hair Salon (Phillips Hair Co) spoke in opposition to the sale of Psychoactive Substances within the City Centre. As Council could not ban the sale of Psychoactive Substances; Other was preferred.

Sandy Turner – Hamilton Central Business Association (HCBA) spoke on behalf of HCBA and its opposition to the sale of Psychoactive Substances within the City Centre. As Council could not ban the sale of Psychoactive Substances; Other was preferred.

Ms Turner spoke of attracting tourists, new business owners and visitors to the City Centre. First impressions of the city were essential in encouraging quality tenants to 'sign up' to trade within the City Centre; quality tenants were a key link to attract lucrative commercial investments within the Central Business District (CBD).

Ms Turner responded to questions from the Committee concerning:

- the preferred locations within the Region where retailers can sell legal highs,
- the connection between legal high shops and red light districts,
- the reduction of legal high retailers within the Hamilton Region, and
- impacts on business owners caused by antisocial behaviour.

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Paul Yates – Genesis spoke in opposition to the sale of Psychoactive Substances within the City Centre; Other was preferred. Mr Yates commented, with particular reference to peoples' safety and the obligation of building owners/landlords to ensure the security of tenants.

Darryl Hadley – CEO, Phoenix Group spoke in opposition to the sale of Psychoactive Substances within the City Centre; Other was preferred.

Brian Milicich (Branisian Milicich) – Owner/Occupier spoke in opposition to the sale of Psychoactive Substances within the City Centre; Other was preferred. He stated that shop owners were concerned about loitering and the unsavoury behaviour that was occurring and how this deterred other customers entering their premises.

Angela Dalton and Simeon Brown – Chair and Deputy Chair of Manurewa Local Board both spoke in opposition to the sale of Psychoactive Substances. As Council could not ban Psychoactive Substances; Option 1 was preferred. Ms Dalton and Mr Brown commended Hamilton City Council for moving quickly with LAPP and setting the foundation in creating a solid message for the community on its stance of legal highs and their place within Hamilton.

Jacqui Cribb spoke in opposition to the sale of Psychoactive Substances within the City Centre; Other (Te Rapa) was preferred in verbal submission. Ms Cribb described feeling unsafe in her work area due to loitering and daily use of illegal drugs and paraphernalia.

The Hearing adjourned for lunch (11.50am to 12.30pm).

Samuel Yu – Riverlea Gallery (Hamilton CBD) spoke in opposition to the sale of Psychoactive Substances. As Council could not ban Psychoactive Substances; Other was preferred.

Karen Morrison-Hume – Anglican Action spoke in opposition to the sale of Psychoactive Substances. As Council could not ban Psychoactive Substances, Other was preferred. Ms Morrison-Hume requested that Council be bold enough not to accommodate legal highs in their entirety. She spoke of the impact that legal highs had on vulnerable people within the city, that these substances were a pathway to other drugs and that legal highs were 10 times more addictive than organic Cannabis.

Cr O'Leary stated that due to the Psychoactive Substances Act 2013 ("the Act") imposed on councils by Central Government, Council could not ban legal highs. She said that if Council did ban Psychoactive Substances then it would be breaking the law and be in breach of the Act.

Rose Black – Poverty Action Waikato advocated that Hamilton City Council should have a blanket ban of Psychoactive Substances. As Council could not ban Psychoactive Substances, Other was preferred.

Cr O'Leary stated that due to the Act imposed on councils by Central Government, Council could not ban legal highs. She said that if Council did ban Psychoactive Substances then it would be breaking the law and be in breach of the Act.

Ms Sarah Peterson spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred. Ms Peterson spoke of vandalism, increase in burglaries and risk to the community because of people abusing these substances.

Cr O'Leary stated that due to the Psychoactive Substances Act 2013 imposed on councils by Central Government, Council could not ban legal highs. She said that if Council did ban Psychoactive Substances then it would be breaking the law and be in breach of the Act.

The Hearing adjourned (1.00pm to 1.15pm).

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Aaron Rippingale – Timezone Games spoke in opposition to the sale of Psychoactive Substances within the City Centre; Other was preferred.

Margo Ellesmere spoke in opposition to the sale of Psychoactive Substances. As Council could not ban Psychoactive Substances, Option 1 was preferred in verbal submission, as antisocial behaviour could be monitored relatively easily within the City Centre.

Grant Hall GM of The Social Tonic Advocacy and Research (STAR) Trust and ELP Retail Limited spoke in support of the sale Psychoactive Substances; Option 2 was preferred.

Mr Hall spoke of achieving better public health outcomes and advocated that Psychoactive Substances (legal highs) should be termed 'Social Tonics'; as Social Tonics were legally available and were of low risk to the public. He stated that Social Tonics were not a gateway to other drugs as previously stated by another submitter. Mr Hall explained that The STAR Trust funded research into using Psychoactive Substances as medicine. He noted that prohibition had never worked within society and that restricting retailers would drive the sale and use of legal highs 'underground'.

Mr Hall responded to questions from the Committee concerning:

- the term Social Tonics and the appropriateness of this term,
- the effects of addiction to Psychoactive Substances, and
- membership levels of The STAR Trust.

Lois Livingston – Hamilton East Community Trust spoke in opposition to the sale of Psychoactive Substances; Other (Te Rapa only) was preferred. She spoke of loitering and antisocial behaviour within Hamilton East and the CBD and how this behaviour negatively impacted on the community via begging, verbal abuse and intimidation of the general public.

Jason Howarth spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred as monitoring of the CBD was contained and manageable.

The Hearing adjourned (2.40pm to 2.50pm).

Councillor Mallett retired from the Hearing (2.40pm).

Chris Rollitt – The Cook Cafe & Bar spoke in opposition to the sale of Psychoactive Substances within the City Centre; Other (Te Rapa only) was preferred. He stated that the Hamilton East Shop must be shut. Mr Rollitt said that the antisocial behaviours derived from the use of the legal substances were a detriment to the community and suggested that shops selling legal highs should be a reasonable distance away from each other.

Councillor Paula Southgate, Chairperson and Amanda Banks, Policy Advisor – Waikato Regional Council commended Hamilton City Council in their efforts to create a safer community for the Hamilton Region. Councillor Southgate offered support and assistance to push back at Central Government for tighter regulations.

Resolution to Exclude the Public

Resolved: (Crs O'Leary/Forsyth)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Submission on LAPP) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)

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

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

The Hearing moved into Public Excluded (3.10pm).

The Hearing adjourned (3.35pm) and reconvened on Thursday, 20 February 2014 (9.00am).

Strategy & Policy Committee 18 FEBRUARY 2014 - OPEN

Minutes of a meeting of the Extraordinary Strategy & Policy Committee held in Chambers, Municipal Building, Garden Place, Hamilton on Tuesday 18 February 2014, reconvened on Thursday 20 February 2014 at 9.05am (partly in Public Excluded) and Friday 21 February 2014.

PRESENT

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

Apologies had previously been received and accepted from Cr Gallagher (18 February 2014).

The Hearing moved into Open Session at 9.45am.

Wikiwira Pokiha spoke in opposition to the sale of Psychoactive Substances in the Hamilton Region, with Option 1 being preferred. Ms Pokiha spoke from personal experience of how destructive these substances were; a family member was addicted to psychoactive substances and this addiction had a terrible impact on her family.

Karyn Hayward spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred, as there was an increased level of visibility and monitoring of the users and their behaviour.

Ren Hammington - Enough! spoke in opposition to the sale of Psychoactive Substances; Other, specifically Te Rapa, was preferred. He spoke of the retailer that was located in Te Rapa selling legal highs and how this shop was not a destination, as were the shops located in Hamilton East and the CBD. Mr Hammington stated that as Te Rapa lacked the amenities found in Hamilton East and the CBD, the likelihood of loitering and antisocial behaviour was reduced. Mr Hammington also spoke in favour of retailers being held responsible when selling legal highs and how this would mitigate the negative impact of loitering and antisocial behaviour within the community.

Mr Hammington responded to questions from the Committee concerning:

- community vulnerability,
- pedestrian welfare and increased traffic risks, and
- potential retailer monopoly if legal high shops were limited within Hamilton.

Cr O'Leary noted that the submission from Enough! contained a petition.

The Hearing adjourned (10.25am to 10.40am).

Brian and Margaret Hoyle spoke in opposition to the sale of Psychoactive Substances. Mr and Mrs Hoyle spoke of how users of legal highs harass the public, (including store owners), monopolise outdoor City furniture, sell products from parked cars and in the streets. Mr and Mrs Hoyle said that users of legal highs should be inconvenienced, not the public.

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Pippa Wright – Hamilton East School spoke in opposition to the sale of Psychoactive Substances; Other (Te Rapa only) was preferred. Ms Wright told the Committee of the continuing communication, through a variety of mediums, in which the School had stressed to parents not to allow their children to walk along Grey Street, as it was no longer safe.

Ms Wright responded to questions from the Committee concerning:

- the best location to sell legal highs,
- ongoing communications with parents, and
- the Walking School Bus initiative.

Margaret McQuillan – Ryder Cheshire Foundation (Waikato) Charitable Trust spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred. Ms McQuillan explained that the vulnerable residents, most of whom suffered from serious illnesses, were concerned about the alcohol and drug fuelled fights in the streets and lack of safety in the community. Ms McQuillan stated that there needed to be a law change and supported a complete ban of Psychoactive Substances.

Cr O'Leary stated that due to the Psychoactive Substances Act 2013 imposed on councils by Central Government, Council could not ban legal highs. She said that if Council did ban Psychoactive Substances then it would be breaking the law and be in breach of the Act.

Chris Grace – New World Te Rapa spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred.

Crs Pascoe and Forsyth retired from the Hearing (11.10am).

Kelly Klink spoke in opposition to the sale of Psychoactive Substances; Other was preferred. Ms Klink told the Committee of the continuous harassment, verbal abuse and intimidation that she and others at her work place experienced on a daily basis from those that use legal highs.

Mason Torrey spoke in opposition to the sale of Psychoactive Substances. As Council could not ban Psychoactive Substance, Option 1 was preferred.

Cr Forsyth rejoined the Hearing (11.20am) during the above submission.

Chris Young spoke in opposition to the sale of Psychoactive Substances; as Council could not ban Psychoactive Substance, Other (Te Rapa only) was preferred. Mr Young suggested that the industrial part of Te Rapa would be an ideal location for the sale of Psychoactive Substances, as this area would not be a destination site.

Sergeant (Sgt) Jim Kernohan – Hamilton Police thanked the Council and its Staff for the good work on LAPP. Sgt Kernohan supported Option 1, as crime was generally deterred by population. He spoke of how this policy was about restriction of where substances are sold, not the consumption of the substances. Sgt Kernohan acknowledged the concerns of the CBD and wider communities in regards to drug and alcohol abuse, antisocial behaviour, and mental illnesses. He considered that restricting the sale of legal highs to the CBD would allow monitoring to occur far more efficiently by Police.

Sgt Kernohan responded to questions from the Committee concerning:

- social and economic factors,
- the increase in antisocial behaviour,
- the harmfulness of synthetic cannabis,
- location restrictions within the Hamilton Region,
- loitering and potential migration of people that use legal highs, and
- police enforcement.

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Her Worship the Mayor Hardaker retired from the Hearing (11.55am).

Andrea Twaddle representing Grant Titchiner (Ecostream Irrigation), Kyle Pennell and Ren Hammington (Wise Group) spoke in opposition to the sale of Psychoactive Substances. Grant Titchiner supported Option 1, specific to the Entertainment Precinct and Wise Group supported Other (Te Rapa only). Ms Twaddle sympathised with the business owners and residents, and felt that the suburbs should be safe for families and the wider community. She spoke of antisocial behaviour being exhibited anywhere the substances were sold and that this would not change. However, implementing LAPP was a step in the right direction for the Hamilton Region and its residents. Ms Twaddle strongly recommended that Hamilton City Council be involved in the Regulation Consultation that closed in March 2014.

Ms Twaddle made reference to the DV Bryant Trust's submission to the Regulation Consultation and highlighted the following points, detailed in the Trust's submission, as possible avenues that the Council may consider:

- Variations to the Proposed District Plan,
- Discretionary Activity with conditions to support any recommendations.

Ms Twaddle responded to questions from the Committee concerning the use of the Resource Management Act 1991 (RMA) to restrict sale of legal highs and control antisocial behaviour.

Grant Titchiner spoke of the lack of understanding regarding Te Rapa Straight and the vast community within its boundaries. He spoke of Sensitive Sites within the Te Rapa area, being a Retirement Village, a school, banks, medical centres, dental clinics, a pharmacy and a Church. Mr Titchiner noted that Te Rapa's residential zones were located to the East and South sides of Te Rapa and that Te Rapa was a gateway to Hamilton.

Kyle Pennell spoke of the vulnerable groups in society and described the financial and social impact on communities as a whole. Mr Pennell urged Council to make a considered approach to LAPP and its affect on the Hamilton Region.

The Hearing adjourned (12.45pm) and reconvened on Friday, 21 February 2014 (12.30pm).

Minutes of a meeting of the Extraordinary Strategy & Policy Committee held in Chambers, Municipal Building, Garden Place, Hamilton on Tuesday 18 February 2014, reconvened on Thursday 20 February 2014 at 9.05am (partly in Public Excluded) and Friday 21 February 2014 at 12.35pm.

PRESENT

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

Apologies had previously been received and accepted from Cr Gallagher (18 February 2014).

Apologies were received and accepted from Crs Chesterman and Yeung due to an official engagement.

Jane Wood – Pukete Neighbourhood House spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred as Te Rapa was a family orientated place that had a number of vulnerable people within the community. Ms Wood rejected the idea that Te Rapa was less accessible for users of legal highs as the bus service to Te Rapa was frequent. Ms Wood would like to see an increase in distance from 100 metre exclusion to 200 or 300 metres for Sensitive Sites.

Ms Wood responded to questions from the Committee concerning:

- the Te Rapa retailer and its impact on the community,
- loitering issues surrounding premises that sold legal highs, and
- Te Rapa as Hamilton City's gateway.

Cr O'Leary noted that the submission from Pukete Neighbourhood House contained a petition.

Her Worship the Mayor Hardaker joined the Hearing (12.40pm).

Cr King retired from the Hearing (12.40pm).

David Rowe spoke in opposition to the sale of Psychoactive Substances; as Council could not ban Psychoactive Substances, Other was preferred. Mr Rowe expressed concern regarding the antisocial behaviours shown by users of legal highs and their lack of respect for the general public, including public and private property.

Cr King rejoined the Hearing (12.45pm).

Dr Dorothy Gilson – Save the Children New Zealand, Waikato Branch spoke in opposition to the sale of Psychoactive Substances; Other was preferred.

Cushla Mawston spoke in opposition to the sale of Psychoactive Substances, with particular reference to the Hamilton East retailer selling legal highs. She stated that this shop was affecting the vulnerable and she no longer felt safe within the community.

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Gail Drake spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred.

Melinda Deller spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred.

David Kneebone spoke in opposition to the sale of Psychoactive Substances; Other was preferred. Mr Kneebone suggested limiting the sale of legal highs to mail and online orders only.

Garry Fraser spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred.

Nick Young – Population Health, Waikato District Health Board spoke in support of Hamilton City Council's action regarding Psychoactive Substances Policy. Mr Young stated that the Policy would not solve or address social issues, but would provide structure and regulation to sellers of legal highs. He clarified for the Committee that in his role as a Health Protection Advisor – Population Health, he could not comment on clinical matters.

Cr Forsyth retired from the Hearing (1.50pm). She rejoined the Hearing (1.55pm) and was present when the submission ended.

The Hearing adjourned (2.00pm to 2.10pm).

Doug Arcus - Chair, DV Bryant Trust spoke in opposition to the sale of Psychoactive Substances. As Council could not ban the sale of Psychoactive Substances, Option 2 was preferred. Mr Arcus spoke of the Trust approaching the proposed policy not only from a welfare and philanthropic point of view, but also as an owner of commercial property in the CBD. Mr Arcus made specific reference to the RMA, explaining how Council could utilise sections, particularly Section 5 of the Act, to support its focus to ensure that Hamilton was a safe environment for the public.

Mr Arcus responded to questions from the Committee concerning:

- Environment Court application timeframes,
- the RMA assisting in regulating the sale of Psychoactive Substances,
- how the RMA could restrict retailers selling legal highs, and
- whether the RMA could manage antisocial behaviour.

John Mannering spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred.

Navin Rajan – Radius St Andrews Medical Centre spoke in opposition to the sale of Psychoactive Substances; Option 1 was preferred.

Catherine Hodges – Methodist City Action spoke in opposition to the sale of Psychoactive Substances; Other was preferred.

Paul Lewis – Video Expo Ltd requested that his submission should be heard in Public Excluded. Mr Lewis answered questions from the Committee concerning:

- security issues,
- commercial sensitivity, and
- the potential negative effects of his submission on the business and his employer.

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The Chair asked for an indication from the Committee regarding whether Mr Lewis's submission should be heard in Public Excluded; the Committee indicated unanimously to hear Mr Lewis's submission in the Open Session of the Hearing.

Mr Lewis spoke in support of the sale of Psychoactive Substances; Option 1 was preferred. Mr Lewis disputed the Sensitive Site 100 metre exclusion zone and suggested a 50 metre zone would be appropriate. Mr Lewis would like to see existing retailers, that have had no issues with Police, remain trading within the community. He also submitted that it was important to work with Police and suggested that there be a smoking ban in the CBD as this worked 'hand in hand' with the Local Alcohol Policy. Mr Lewis stated that LAPP would not solve the current problems, as they were social issues.

Mr Lewis responded to questions from the Committee concerning:

- whether Video Expo Ltd was a member of STAR Trust,
- whether he was a shareholder of Video Expo Ltd, and
- loitering and antisocial behaviour.

Cr Wilson retired from the Hearing (3.30pm – 3.35pm) during the above submission.

Shelley Eden representing Weng & Li Company Limited and Black Eyes Enterprises Co Limited spoke in support of the sale of Psychoactive Substances. Weng & Li Company Limited preferred Other and Black Eyes Enterprises Co Limited preferred Option 2 (with modifications). Ms Eden spoke of the restrictions that were placed on retailers: advertising of legal highs was prohibited, it was illegal to sell to under 18 year olds and the premises must be licensed. Ms Eden informed the Committee that both her clients were working within the law and were doing all they could to mitigate issues that the community was experiencing. As an example, the Hamilton East store had reduced opening hours, no longer opened on a Sunday and a security guard was in place at the store entry. Ms Eden also spoke of the regulations imposed on the sale of these products and how the number of stores within the Hamilton Region had been reduced from 80 to 8.

Ms Eden responded to questions from the Committee concerning:

- Sensitive Sites,
- the reduction of stores and the impact on the community,
- the look and feel of different stores in the City, and
- the District Plan and Existing Use Rights.

Her Worship the Mayor Hardaker and Cr Mallett retired from the Hearing (4.00pm) during the above submission.

The Chair thanked submitters for their time and the good work of Council staff. The Chair also thanked Elected Members for their support and determination to see that the best result for Hamilton was achieved.

The Hearing closed (4.20pm).

Deliberations on the LAPP took place during the Extraordinary Strategy and Policy Committee Meeting held on Wednesday 26 February 2014 at 9.30am.

Extraordinary Strategy & Policy Committee 26 FEBRUARY 2014 - OPEN



Extraordinary Strategy & Policy Committee

OPEN MINUTES

Minutes of a meeting of the Extraordinary Strategy & Policy Committee held in the Council Chamber, Municipal Building, Garden Place, Hamilton on Wednesday, 26 February 2014.

PRESENT

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

In Attendance	Chief Executive, General Manager Performance, General Manager City Environments, General Manager Customer Relationships, General Manger Events & Economic , City Safe Unit Manager, Unit Manager Strategy and Research, Programme Manager – Policy and Bylaws, Democracy Manager, Strategic Policy Analysts x 2, Chief of Staff Mayoral Office, Community & Policy Coordinator Mayoral Office, Communication Advisor and Strategy and Research Administrator.
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City Solicitor – Teresa Le Bas

Committee Advisors	Mrs MM Birch and Mrs SL Courtney.
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1. Apologies

There were no apologies.

2. Confirmation of Agenda

Resolved: (Crs O'Leary/King)
The Committee to confirm the Agenda.

3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

4. Public Forum

Not required.

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5. Deliberations - Psychoactive Substances Policy - Submissions Analysis

Programme Manager – Policy and Bylaws introduced the report. She provided the following information :

- a) A total of 527 submissions had been received and 47 spoke in support of their submission during the hearings which had been held on 18, 20 and 21 February 2014 by the Strategy and Policy Committee.
- b) The majority of the submitters preferred Option 1 – to restrict the location of retail premises selling psychoactive substances to the Central City area only.
- c) Several submitters identified other regulatory tools that Hamilton City Council (HCC) could consider to manage the impact of stores selling psychoactive substances, including the use of the District Plan and Bylaws.
- d) Additional sensitive sites had been recommended for consideration by 272 submitters.
- e) A large number of submitters identified conditions which they felt that HCC should impose on retail premises selling psychoactive substances.

GM Performance confirmed that legal advice had been sought for clarification on the wording of the Draft LAPP Policy regarding whether the Policy would apply to existing licencees or new licencees. It was confirmed that no changes were required to the proposal in this regard.

GM Performance, Programme Manager – Policy and Bylaws and the City Solicitor responded to questions from elected members including:

- a) Sensitive sites and the ability to incorporate new sensitive sites into the LAPP Policy. It was explained that the maps which had been provided to Elected Members did not form part of the actual policy. Any sites that were subsequently developed, which fall into the sensitive site definition, would be identified and included on the sensitive site list prior to the issuing of further licencees. The sensitive site locations would continue to be updated as required.
- b) Definitions
 - i. Educational Facilities. It was confirmed that educational facilities included schools and commercial childcare centres, but did not currently include private training establishments. Adult training centres did not necessarily need including, though it was stressed that the Psychoactive Substances Act 2013 (“the Act”) aimed to protect vulnerable people, which included young people up to the age of 25 years. The Act provided examples, however, this list was not exhaustive. Consequently, Elected Members had the opportunity to broaden the definition of education facilities as they felt appropriate.
 - ii. Use of other Statutes. It was recognised that using the definitions contained in other statutes, e.g. The Education Act 1988 and the Health Act 1956 could be a useful tool for encompassing the full range of possible education facilities/health centres.
 - iii. Key Bus Stops. It was confirmed that Key Bus Stops were identified on the basis of the number of routes and passengers that used the bus stop per day.
- c) Pre-existing Rights.

- i. The existing Te Rapa retail store had not received any negative comments from the 527 submissions; the possibility of allowing this store to be an exception to HCC policy, spreading the availability of retail shops so that the associated problems were not concentrated within one area, were discussed. The City Solicitor clarified that a Judicial Review would challenge and investigate the processes of HCC; it would not consider individual cases. The Director General of Health decided appeals and how HCC policy was implemented.
- ii. Hamilton East. It was reiterated that the decision whether to close a store and the timing of any such closure was that of the Director General of Health and not HCC. It was recognised that this distinction was not clear within the community.

Motion: (Crs O'Leary/King)

That:

- a) the report be received,
- b) following public consultation and Council deliberations, the draft Psychoactive Substances Policy is amended for the following changes:
 - o Clause 5.1 "Location of premises from which approved products may be sold" is set as the Central City Area (Option 1),
 - o Clause 4 "Definitions" of **Sensitive Site**, to add to the list - the River, the River Walkway, pharmacies, medical centres, key bus stops and stand-alone public toilets,
 - o Clause 5.1 is also amended to include the existing retail premises licensed to sell psychoactive substances located at 789 Te Rapa Road, Te Rapa (a subset of Option 2), as a location from which approved products may be sold,
 - o LAPP Policy to include a definition of educational institutions, medical centres and key bus stops,
- c) Council makes all other consequential amendments to the draft Psychoactive Substances Policy, required to give effect to these above decisions,
- d) the amended Psychoactive Substances Policy be tabled at the 27 February 2014 Council meeting for adoption, and
- e) a working group consider alternative options available to supplement Council's Psychoactive Substances Policy including the issue of the management of anti-social behaviour in public places, taking into account the Central City Transformation Plan. This may include a bylaw, submissions on the Psychoactive Substances Regulations and changes to the District Plan.

Reason

- The changes to the draft Psychoactive Substances Policy reflect the themes outlined in the analysis of submissions and are also supported by legal advice on the relevant provisions of the PSA.
- The Central City Area (Option 1) was consulted on in the draft Psychoactive Substances Policy.
- The Central City Area is promoted in the District Plan as a focal point for retail activity.
- High flows of pedestrian and vehicle traffic in the central city provide passive surveillance and increased safety.
- Good CCTV surveillance and increased police presence in the central city can act as an effective deterrent of anti-social behaviour in public places.
- To respond to submitter concerns around keeping the sale of approved products out of local neighbourhoods and residential communities.
- For all these reasons it is considered appropriate that the Psychoactive Substances Policy provide for the sale of approved products in the Central City Area.

Reason (Te Rapa existing retail location)

- The existing retail premises are located in the Te Rapa area (included in Option 2) consulted on in the draft Psychoactive Substances Policy and is not excluded by proximity to a sensitive site.
- The licence holder who operates the existing retail premises is a long-established specialist retailer of tobacco and associated products and therefore the sale of approved products is not the sole focus of the retail activity undertaken by the licence holder.
- The retail activity has a clean record with no history of anti-social behaviour in or outside the retail premises.
- For all these reasons it is considered appropriate that the Psychoactive Substances Policy provide for the sale of approved products in this particular, Te Rapa retail location.

Amendment - (Her Worship the Mayor Hardaker/Cr Wilson)

That:

- a) the report be received,
- b) following public consultation and Council deliberations, the draft Psychoactive Substances Policy is amended for the following changes:
 - o Clause 5.1 "Location of premises from which approved products may be sold" is set as the Central City Area (Option 1),
 - o Clause 4 "Definitions" of **Sensitive Site**, to add to the list - the River, the River Walkway, pharmacies, medical centres, key bus stops and stand-alone public toilets,
 - o LAPP Policy to include a definition of educational institutions, medical centres and key bus stops.
- c) Council makes all other consequential amendments to the draft Psychoactive Substances Policy, required to give effect to these above decisions,
- d) the amended Psychoactive Substances Policy be tabled at the 27 February 2014 Council meeting for adoption, and
- e) a working group consider alternative options available to supplement Council's Psychoactive Substances Policy including the issue of the management of anti-social behaviour in public places, taking into account the Central City Transformation Plan. This may include a bylaw, submissions on the Psychoactive Substances Regulations and changes to the District Plan.

Reason

- The changes to the draft Psychoactive Substances Policy reflect the themes outlined in the analysis of submissions and are also supported by legal advice on the relevant provisions of the PSA.
- The Central City Area (Option 1) was consulted on in the draft Psychoactive Substances Policy.
- The Central City Area is promoted in the District Plan as a focal point for retail activity.
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- To respond to submitter concerns around keeping the sale of approved products out of local neighbourhoods and residential communities.
- For all these reasons it is considered appropriate that the Psychoactive Substances Policy provide for the sale of approved products in the Central City Area.

Those for the Amendment:

Her Worship the Mayor Hardaker,
Councillors King, Pascoe, Tooman,
Wilson, Macpherson and Yeung

Those against the Amendment:

Councillors Mallett, Chesterman,
Gallagher, Green, O'Leary and Forsyth

The Amendment was declared carried and became the Substantive Motion.

Extraordinary Strategy & Policy Committee 26 FEBRUARY 2014 - OPEN

Further discussion followed on the possible options. Councillor Chesterman moved a further amendment to set Te Rapa only as the location of premises from which approved products may be sold. However, as the amendment was not seconded, it lapsed and was not voted on.

Her Worship the Mayor Hardaker and Councillor Wilson, the mover and seconder of the Substantive Motion, agreed to incorporate some additional wording, suggested by Councillor Macpherson, at paragraph e) of the Substantive Motion. The additional wording is shown in italics as follows:

“Council resolves to submit on the Psychoactive Substances Regulations in support of enabling area prohibition of Psychoactive Substance sales; in addition the working group will consider alternative options available to supplement Council's Psychoactive Substances Policy including the issue of the management of anti-social behaviour in public places, taking into account the Central City Transformation Plan. This will include consideration of both a bylaw and changes to the District Plan.”

The Substantive Motion incorporating the above wording was then put.

Extraordinary Strategy & Policy Committee 26 FEBRUARY 2014 - OPEN

Substantive Motion – (Her Worship the Mayor Hardaker/Cr Wilson)

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 - o Policy to include a definition of educational institutions, medical centres and key bus stops.
- c) Council makes all other consequential amendments to the draft Psychoactive Substances Policy, required to give effect to these above decisions,
- d) the amended Psychoactive Substances Policy be tabled at the 27 February 2014 Council meeting for adoption, and
- e) Council submits on the Psychoactive Substances Regulations in support of enabling area prohibition of Psychoactive Substance sales; in addition the working group will consider alternative options available to supplement Council's Psychoactive Substances Policy including the issue of the management of anti-social behaviour in public places, taking into account the Central City Transformation Plan. This will include consideration of both a bylaw and changes to the District Plan.

Reason

- The changes to the draft Psychoactive Substances Policy reflect the themes outlined in the analysis of submissions and are also supported by legal advice on the relevant provisions of the PSA.
- The Central City Area (Option 1) was consulted on in the draft Psychoactive Substances Policy.
- The Central City Area is promoted in the District Plan as a focal point for retail activity.
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- To respond to submitter concerns around keeping the sale of approved products out of local neighbourhoods and residential communities.
- For all these reasons it is considered appropriate that the Psychoactive Substances Policy provide for the sale of approved products in the Central City Area

The Substantive Motion was declared carried, Councillor Chesterman dissenting.

The Chair thanked the Mayor, Councillors and staff for their hard work and support on what had been a difficult journey.

Extraordinary Strategy & Policy Committee 26 FEBRUARY 2014 - OPEN

6. Draft Playground Policy

Parks & Open Spaces Manager introduced the Item and responded to questions from the Committee concerning community engagement and flexibility.

Her Worship the Mayor congratulated Parks & Open Spaces Manager and Staff on their efforts, and commented on how useful the Playground Working Group proved to be.

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

That:

- a) the report be received,
- b) Council deletes the Playground and Play Spaces in Parks Policy, and
- c) Council adopt the proposed Playground Policy (Attachment 1) to the Extraordinary Strategy and Policy Committee Agenda, 26 February 2014.

The Meeting was declared closed at midday.

Confirmed:

Chairperson

Date

Committee: Strategy & Policy Committee **Date:** 24 February 2015
Report Name: Draft Council Risk Management Policy **Author:** David Robson

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

1. Purpose of the Report

- Council's Risk Management Policy has been identified for review. The proposed changes are presented to Council for their consideration and adoption.

3. Executive Summary

- A review of Council's Risk Management Policy has been undertaken by the Risk and Emergency Management Unit.
- Following each triennial election the Council Risk Management Policy is required to be reverted to draft format, be subjected to review, specifically the risk tolerance levels, in light of any changes in Governance
- Following a Councilor workshop in 2014 which was facilitated by PWC, the risk tolerance levels remain unchanged.
- The updated Draft Policy has been endorsed by the Audit and Risk Committee, subsequent to its meeting on 5 December 2014 through review by the chair and members following grammatical changes to the document.

8. Recommendations from Management – Recommendation to Council

- That the Report be received.
- That the Draft Council Risk Management Policy is adopted.

9. Attachments

- 10. Attachment 1 - Draft Risk Management Policy
- 11. Attachment 2 - Draft Risk Management Policy with tracked changes

12. Background

- 13. Risk management is the identification, assessment, and prioritization of risks with the application of resources to minimize, monitor, and control the probability and/or impact of unfortunate events or to maximize the realization of opportunities.
- 14. Risk Management seeks to reduce risk exposure and vulnerability and guided by the Council Risk Management Policy, incorporates such criteria as accountability, participation and transparency within the procedures and structures by which risk-related decisions are made and implemented.

15. Council Risk Management Policy

- 16. Direction is set by Governance as well as setting the organizational ‘risk tolerance’ level. In other words, the amount of risk the organization is prepared to expose itself to in order to meet its goals and objectives.
- 17. A Councilor workshop was held in July 2014 which was facilitated by PWC in order to gauge any changes in risk tolerance. The outcome and recommendation from PWC was that these levels continued to be conservative and were consistent with the documented levels in the existing policy.
- 18. The policy was presented to the Audit and Risk Committee in December 2014 and following consultation, subsequent feedback and amendment, the Draft Policy has been flagged for approval.
- 19. The Draft Policy has been revised in order to meet the new formatting requirements of Council Policies with only grammatical changes being made.

Signatory

Authoriser	Blair Bowcott, General Manager Performance Group
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<i>First adopted:</i>	22 February 2012
<i>Revision dates/version:</i>	24 February 2015
<i>Next review date:</i>	February 2018
<i>Engagement required:</i>	To be determined
<i>Document number:</i>	D-1629589
<i>Associated documents:</i>	Risk Management – Management Guidelines and Processes Risk Management (management) Policy, Standards and Guidelines ISO 31000:2009 Risk Management Standard
<i>Sponsor/Group:</i>	Performance



RISK MANAGEMENT POLICY

PURPOSE AND SCOPE

Hamilton City Council operates on core values to achieve its strategic objectives, goals and plans. Through the 10-year Plan council aligns its focus, activities and the way Council operate across all parts of the organisation.

The nature of Council's core activities means that the organisation's success can be impeded by risks and uncertainty that may arise from our operating environment. This policy has been established to address those issues. Risk management is a well recognised key governance and management tool which underpins Council's approach to achieving its objectives.

The Policy outlines Council's risk management philosophy, risk threshold and approach to managing risk. It also sets out the principles which guide Council's risk philosophy and the structures and processes necessary to implement, support and sustain effective risk management across Hamilton City Council.

DEFINITIONS

Council	The Hamilton City Council Elected Members
Hamilton City Council or HCC	The Hamilton City Council as an organisation
Level of risk	The magnitude of a risk or combination of risks, expressed in terms of the combination of consequences and their likelihood
Project	A series of interrelated activities undertaken to accomplish a specific goal or end result with specific start and end points (not on-going)
Public annoyance	The result of something that disturbs or aggrieves the public; something the public finds irritating or troublesome
Risk attitude	Council's approach to assess and eventually pursue, retain, take or turn away from risk
Risk management	Coordinated activities to direct and control HCC with regard to risk

Risk management framework	A set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout HCC
Risk threshold	The amount and type of risk that Council is willing to accept in pursuit of its objectives
Risk tolerance	The maximum risk that Council is willing to take regarding each relevant risk
Extreme risk	A risk which is almost certain or certain to occur which will result in major or catastrophic consequences

POLICY

1. Principles

1.1 Risk management will be governed by a common set of principles. These principles should be considered for all risk management activities undertaken within Hamilton City Council:

- An organisation wide approach is adopted with a common definition of risk that is an integral part of all processes
- Risk Management creates and protects value
- Risk Management is embedded in the decision making processes at HCC
- Responsibility for Risk Management is clearly assigned with support from all activity areas
- Council has appropriate transparency and visibility of risk management practices
- All activity areas are responsible for their performance and management of risks
- There is a consistent and common understanding of risks and how they are measured throughout HCC
- Risks and issues are dealt with adequately and appropriately by Council as they occur.
- Maintains the integrity of services provided by Council.

2. Risk Management Statement:

2.1 Risk Management is the responsibility and duty of everyone at Hamilton City Council. The process of identifying and managing risks remains at the core of all processes to ensure that HCC is able to meet its long term goals and strategy.

2.2 Everyone at HCC should be empowered to identify risks and have the tools available to be able to bring these to the attention of Management and Council. This policy will ensure that risks that bring Hamilton City Council into disrepute, or result in significant financial consequences, are identified, reported early and managed appropriately.

2.3 Risks that are considered to require particular focus are:

- Risks that create public annoyance and impact on the reputation of HCC, and

- Risks that result in financial loss or budget deviation
3. Risk Management Overview
 - 3.1 Council will determine and oversee the risk management structure and ensure it is functioning effectively and efficiently.
 - 3.2 Council's requirements and priorities in respect of risk management will be communicated throughout HCC.
 - 3.3 Potentially significant risks identified by personnel can be communicated upwards to Council through the Chief Executive.
 - 3.4 Council will determine the level of significance that they would like to review e.g. extreme, very high, and high risks. Risks will be rated on a five point rating scale at HCC (extreme, very high, high, medium, and low).
 - 3.5 Council should identify and address risks at a governance level which would affect its ability to meet the governance and stewardship role for Hamilton City Council.
 - 3.6 HCC's risk management guidelines are consistent with the ISO 31000:2009 Risk Management Standard.
 4. Risk Threshold and Tolerance
 - 4.1 Setting risk threshold and tolerance is the responsibility of Council.
 - 4.2 At Council level, risk threshold is a driver of strategic risk decisions. At an executive level, risk threshold translates into a set of procedures to ensure that risk receives adequate attention when making tactical decisions. At an operational level, risk threshold dictates operational constraints for routine activities.
 - 4.3 Setting risk threshold starts with the outcome targets Council wishes to achieve, taking into account:
 - Current and future potential risk exposures
 - An analysis of risk / return trade-offs
 - Current and future potential resources
 - Council's desired risk position in the public sector, given the reputation it wants to achieve / maintain, likely sector developments and the positioning and expected strategies of other sector participants / stakeholders.
 - 4.4 Council sets a risk threshold at an overarching level for all activities undertaken. All risks undertaken should be done so in line with the risk management framework. All risks identified must be assessed against key HCC consequence areas to ensure the impact on HCC can be clearly understood. This will include consequence areas such as financial, political, reputational, compliance, and safety and wellbeing.
 - 4.5 In executing its chosen strategies Council encourages intelligent risk taking, grasping of new opportunities and the use of innovative approaches to further the interests of its business and help achieve its stated outcomes provided the resultant risk exposure is within Council's risk tolerance limits.
 - 4.6 Additional care is needed in taking any action which could:
 - Impact on the reputation of Council, and HCC

- Impact on service delivery to ratepayers
- Impact the safety and wellbeing of HCC people and the public
- Undermine the achievement of HCC's objectives
- Result in financial loss
- Result in the disclosure of sensitive information when dealing with official information requests

4.7 The following tolerance and threshold guidelines must be considered when considering opportunities or making decisions.

CLASS	TOLERANCE	THRESHOLD
Projects	All projects should be adequately managed to ensure they are completed within budget and do not incur overruns. These projects should also be completed within the agreed scope and timelines while delivering on the agreed objectives. All projects must be assessed for reputational consequence on HCC.	All projects with a budget over \$10,000 should be assessed for financial and reputational risks.
Reputation	All risks identified should be considered for their reputational impact on HCC and Council.	Risks which may result in negative local and / or national media coverage; as well as a 'likely' to 'certain' likelihood, should be highlighted and reported to Council.
People	The safety and wellbeing of staff, contractors and the public are of the utmost importance.	Risks which have a serious, major or catastrophic consequence; as well as 'likely' to 'certain' likelihood, should be highlighted and reported to Council.
Financial	Operational and capital expenditure budgets should be closely monitored to ensure these are kept within reasonable limits.	Projects and operational budgets which may overrun where the likelihood of these are 'likely' to 'certain'; and for: Capex Projects: Project overrun the lesser of 10%-15% (or \$10k-100k) of project budget; or Operational budget: Opex increase or reduction in revenue: the lesser of 10%-15% (or \$10k-\$100k) of opex budget; Any risk which exceeds these thresholds should be highlighted and reported to Council.

The resultant risk ratings after the assessment of consequences and likelihood, as well as the actions required for these risks are outlined in Schedule 1.

5. Reporting Extreme Risks

- 5.1 In the case that a risk assessment results in an 'Extreme' raw or residual risk score the risk is to be reported to the Chief Executive and Council immediately and subsequently reviewed and reported as outlined in Schedule 1.

6. Review of Risk Management

- 6.1 Risk management performance will be reviewed regularly to ensure that the desired outcomes or benefits are being achieved.
- 6.2 Council will receive reports from the Chief Executive of significant risks at HCC on a regular basis. Council will review the risks as well as any mitigations / controls in place.
- 6.3 Feedback regarding the effectiveness of these controls will be independently provided by Internal Audit on a periodic basis as determined by Internal Audit, or as requested by Council.
- 6.4 Audit New Zealand or other external parties may be requested to provide independent assurance on the effectiveness of controls in place at HCC, as well as any other risk mitigation processes as required by Council, or as mandated by New Zealand legislation.

IMPLEMENTATION

7. Risk Management Responsibilities

Council are responsible for:

- Evaluating risks to the delivery of the Long Term Plan (LTP).
- Determining the strategic approach to risk.
- Setting the risk threshold.
- Setting risk tolerance levels commensurate with the risk threshold.
- Establishing the structure and practices for risk management.
- Understanding the most significant risks.
- Setting Council risk policies.
- Triennially considering the need for an independent review of the risk management framework.
- Forming its own view on the strategic risks for HCC.
- Reviewing the quality of risk information, reports and effectiveness of risk assurance practices.

SCHEDULE 1 - RISK RATING AND REPORTING

The following tables provide the limits within HCC's overall risk threshold which the organisation is expected to operate within and expected responses for each level of risk.

		CONSEQUENCE				
		Minor	Moderate	Serious	Major	Catastrophic
LIKELIHOOD	Certain	H	H	VH	E	E
	Almost certain	M	H	VH	VH	E
	Likely	L	M	H	VH	VH
	Unlikely	L	M	M	H	VH
	Highly unlikely	L	L	L	M	H

This matrix is used to map the likelihood and consequence levels of a risk and provide a pictorial representation of the relativity of that risk to other risks within an Activity Group or Project, and can also be used for mapping key risks across HCC.

Action Required Table

The following table details the required actions for each risk:

ACTION REQUIRED FOR RISK	
E	Extreme Risk – Immediate action required: Risk escalated as appropriate. Action plans and management responsibility specified with close scrutiny required. Only the Chief Executive and/or Council can accept this level of risk.
VH	Very High Risk – Senior Leadership Team attention advised. Action plans and management responsibility specified with periodic scrutiny required. The relevant GM, sponsor, risk manager and programme manager can accept this level of risk.
H	High Risk – Senior Leadership Team attention advised. Action plans and management responsibility specified with periodic scrutiny required. The relevant GM, sponsor, risk manager and programme manager can accept this level of risk.
M	Medium Risk – Management responsibility specified. Managed by specific monitoring and procedures. The relevant programme, unit manager or risk manager can accept this level of risk.
L	Low Risk – Manage by routine procedures. Unlikely to require specific application of resources. The relevant activity manager can accept this level of risk.

Risk Review Table

The following table details the required level to which the different risk levels must be reviewed.

RISK LEVEL	ORGANISATIONAL RISKS	REVIEW PERIOD	PROJECT RISKS	REVIEW PERIOD
Extreme	Council	Monthly	Council	Per Project Plan
	Senior Leadership Team	Monthly	Programme Manager Project Sponsor	Per Project Plan
Very High	Council	Monthly	Programme Manager Project Sponsor	Per Project Plan
	Senior Leadership Team	Monthly		
High	Senior Leadership Team	Quarterly	Programme Manager Project Sponsor	Per Project Plan
Medium	Wider Leadership Group*	Six Monthly	Programme Manager	Per Project Plan
Low	Wider Leadership Group*	Six Monthly	Programme Manager	Per Project Plan

**Wider Leadership Group is to be interpreted as any staff member with specific business responsibilities, including but not limited to, General Managers, Unit Managers, Team Leaders and Project Managers.*

By using this matrix a decision can be made as to the level of escalation for management acceptance that is required and the frequencies with which accepted risks are to be reviewed.

Risk Reporting Table

The following table details the required level to which the different risk levels must be reported

RISK LEVEL	ORGANISATIONAL RISKS	REPORTING PERIOD	PROJECT RISKS	REPORTING PERIOD
Extreme	Council	Audit and Risk Quarterly	Council	Finances Committee Six Weekly
	Senior Leadership Team	Six Weekly	Programme Manager Project Sponsor	Monthly
Very High	Council	Audit and Risk Committee Quarterly	Council	Finances Committee Six Weekly
	Senior Leadership Team	Six Weekly	Programme Manager Project Sponsor	Monthly
High	Council	Audit and Risk Committee Quarterly	Council	Finances Committee Six Weekly
	Senior Leadership Team	Six Weekly	Programme Manager Project Sponsor	Monthly
Medium	Senior Leadership Team	Six Weekly	Programme Manager	Monthly
	Wider Leadership Group*	As Required		
Low	Senior Leadership Team	Six Weekly	Programme Manager	Monthly
	Wider Leadership Group*	As Required		

**Wider Leadership Group is to be interpreted as any staff member with specific business responsibilities, including but not limited to, General Managers, Unit Managers, Team Leaders and Project Managers.*

By using this matrix a decision can be made as to the level of escalation for management acceptance that is required and the frequencies with which accepted risks are to be reported.

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Next review date:	February 2018
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RISK MANAGEMENT POLICY

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~~The purpose of this Policy is to ensure that risks that bring Hamilton City Council into disrepute, or result in significant financial consequences, are identified, reported early and managed appropriately.~~

The Policy outlines Council's risk management philosophy, risk threshold and approach to managing risk. It also sets out the principles which guide Council's risk philosophy and the structures and processes necessary to implement, support and sustain effective risk management across Hamilton City Council.

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2.2 Everyone at HCC should be empowered to identify risks and have the tools available to be able to bring these to the attention of Management and Council. This policy will ensure that risks that bring Hamilton City Council into disrepute, or result in significant financial consequences, are identified, reported early and managed appropriately.

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3.1 Council will determine and oversee the risk management structure and ensure it is functioning effectively and efficiently.

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3.3 Potentially significant risks identified by personnel can be communicated upwards to Council through the Chief Executive.

3.4 Council will determine the level of significance that they would like to review e.g. extreme, very high, and high risks. Risks will be rated on a five point rating scale at HCC (extreme, very high, high, medium, and low).

3.5 Council should identify and address risks at a governance level which would affect its ability to meet the governance and stewardship role for Hamilton City Council.

3.6 HCC's risk management guidelines are consistent with the ISO 31000:2009 Risk Management Standard.

4. Risk Threshold and Tolerance

4.1 Setting risk threshold and tolerance is the responsibility of Council.

4.2 At Council level, risk threshold is a driver of strategic risk decisions. At an executive level, risk threshold translates into a set of procedures to ensure that risk receives adequate attention when making tactical decisions. At an operational level, risk threshold dictates operational constraints for routine activities.

4.3 Setting risk threshold starts with the outcome targets Council wishes to achieve, taking into account:

- Current and future potential risk exposures
- An analysis of risk / return trade-offs
- Current and future potential resources
- Council's desired risk position in the public sector, given the reputation it wants to achieve / maintain, likely sector developments and the positioning and expected strategies of other sector participants / stakeholders.

4.4 Council sets a risk threshold at an overarching level for all activities undertaken. All risks undertaken should be done so in line with the risk management framework. All risks identified must be assessed against key HCC consequence areas to ensure the impact on HCC can be clearly understood. This will include consequence areas such as financial, political, reputational, compliance, and safety and wellbeing.

4.5 In executing its chosen strategies Council encourages intelligent risk taking, grasping of new opportunities and the use of innovative approaches to further the interests of its business and help achieve its stated outcomes provided the resultant risk exposure is within Council's risk tolerance limits.

4.6 Additional care is needed in taking any action which could:

- Impact on the reputation of Council, and HCC
- Impact on service delivery to ratepayers
- Impact the safety and wellbeing of HCC people and the public
- Undermine the achievement of HCC's objectives
- Result in financial loss
- Result in the disclosure of sensitive information when dealing with official information requests

4.7 The following tolerance and threshold guidelines must be considered when considering opportunities or making decisions.

CLASS	TOLERANCE	THRESHOLD
Projects	All projects should be adequately managed to ensure they are completed within budget and do not incur overruns. These projects should also be completed within the agreed scope and timelines while delivering on the agreed objectives. All projects must be assessed for reputational consequence on HCC.	All projects with a budget over \$10,000 should be assessed for financial and reputational risks.
Reputation	All risks identified should be considered for their reputational impact on HCC and Council.	Risks which may result in negative local and / or national media coverage; as well as a 'likely' to 'certain' likelihood, should be highlighted and reported to Council.
People	The safety and wellbeing of staff, contractors and the public are of the utmost importance.	Risks which have a serious, major or catastrophic consequence; as well as 'likely' to 'certain' likelihood, should be highlighted and reported to Council.

Financial	Operational and capital expenditure budgets should be closely monitored to ensure these are kept within reasonable limits.	<p>Projects and operational budgets which may overrun where the likelihood of these are 'likely' to 'certain'; and for:</p> <p>Capex Projects: Project overrun the lesser of 10%-15% (or \$10k-100k) of project budget; or</p> <p>Operational budget: Opex increase or reduction in revenue: the lesser of \$150k-100k (or 10%-15%) of opex budget;</p> <p>Any risk which exceeds this threshold should be highlighted and reported to Council.</p>
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The resultant risk ratings after the assessment of consequences and likelihood, as well as the actions required for these risks are outlined in Schedule 1.

5. Reporting Extreme Risks

- 5.1 In the case that a risk assessment results in an 'Extreme' raw or residual risk score the risk is to be reported to the Chief Executive and Council immediately and subsequently reviews and reported as outlined in Schedule 1.

6. Review of Risk Management

- 6.1 Risk management performance will be reviewed regularly to ensure that the desired outcomes or benefits are being achieved.
- 6.2 Council will receive reports from the Chief Executive of significant risks at HCC on a regular basis. Council will review the risks as well as any mitigations / controls in place.
- 6.3 Feedback regarding the effectiveness of these controls will be independently provided by Internal Audit on a periodic basis as determined by Internal Audit, or as requested by Council.
- 6.4 Audit New Zealand or other external parties may be requested to provide independent assurance on the effectiveness of controls in place at HCC, as well as any other risk mitigation processes as required by Council, or as mandated by New Zealand legislation.

Implementation

7. Risk Management Responsibilities

Council are responsible for:

- Evaluating risks to the delivery of the Long Term Plan (LTP).
- Determining the strategic approach to risk.

- Setting the risk threshold.
- Setting risk tolerance levels commensurate with the risk threshold.
- Establishing the structure and practices for risk management.
- Understanding the most significant risks.
- Setting Council risk policies.
- Triennially considering the need for an independent review of the risk management framework.
- Forming its own view on the strategic risks for HCC.
- Reviewing the quality of risk information, reports and effectiveness of risk assurance practices.

SCHEDULE 1 - RISK RATING AND REPORTING

The following tables provide the limits within HCC's overall risk threshold which the organisation is expected to operate within and expected responses for each level of risk.

		CONSEQUENCE				
		Minor	Moderate	Serious	Major	Catastrophic
LIKELIHOOD	Certain	H	H	VH	E	E
	Almost certain	M	H	VH	VH	E
	Likely	L	M	H	VH	VH
	Unlikely	L	M	M	H	VH
	Highly unlikely	L	L	L	M	H

This matrix is used to map the likelihood and consequence levels of a risk and provide a pictorial representation of the relativity of that risk to other risks within an Activity Group or Project, and can also be used for mapping key risks across HCC.

Action Required Table

The following table details the required actions for each risk:

ACTION REQUIRED FOR RISK	
E	Extreme Risk – Immediate action required: Risk escalated as appropriate. Action plans and management responsibility specified with close scrutiny required. Only the Chief Executive and/or Council can accept this level of risk.
VH	Very High Risk – Senior Leadership Team attention advised. Action plans and management responsibility specified with periodic scrutiny required. The relevant GM, sponsor, risk manager and programme manager can accept this level of risk.
H	High Risk – Senior Leadership Team attention advised. Action plans and management responsibility specified with periodic scrutiny required. The relevant GM, sponsor, risk manager and programme manager can accept this level of risk.
M	Medium Risk – Management responsibility specified. Managed by specific monitoring and procedures. The relevant programme, unit manager or risk manager can accept this level of risk.
L	Low Risk – Manage by routine procedures. Unlikely to require specific application of resources. The relevant activity manager can accept this level of risk.

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Risk Review Table

The following table details the required level to which the different risk levels must be reviewed.

RISK LEVEL	ORGANISATIONAL RISKS	REVIEW PERIOD	PROJECT RISKS	REVIEW PERIOD
Extreme	Council	Monthly	Council	Per Project Plan
	Senior Leadership Team	Monthly	Programme Manager Project Sponsor	Per Project Plan
Very High	Council	Monthly	Programme Manager Project Sponsor	Per Project Plan
	Senior Leadership Team	Monthly		
High	Senior Leadership Team	Quarterly	Programme Manager Project Sponsor	Per Project Plan
Medium	Wider Leadership Group*	Six Monthly	Programme Manager	Per Project Plan
Low	Wider Leadership Group*	Six Monthly	Programme Manager	Per Project Plan

**Wider Leadership Group is to be interpreted as any staff member with specific business responsibilities, including but not limited to, General Managers, Unit Managers, Team Leaders and Project Managers.*

By using this matrix a decision can be made as to the level of escalation for management acceptance that is required and the frequencies with which accepted risks are to be reviewed.

Risk Reporting Table

The following table details the required level to which the different risk levels must be reported

RISK LEVEL	ORGANISATIONAL RISKS	REPORTING PERIOD	PROJECT RISKS	REPORTING PERIOD
Extreme	Council	Audit and Risk Quarterly	Council	Finances Committee Six Weekly
	Senior Leadership Team	Six Weekly	Programme Manager Project Sponsor	Monthly
Very High	Council	Audit and Risk Committee Quarterly	Council	Finances Committee Six Weekly
	Senior Leadership Team	Six Weekly	Programme Manager Project Sponsor	Monthly
High	Council	Audit and Risk Committee Quarterly	Council	Finances Committee Six Weekly
	Senior Leadership Team	Six Weekly	Programme Manager Project Sponsor	Monthly
Medium	Senior Leadership Team	Six Weekly	Programme Manager	Monthly
	Wider Leadership Group*	As Required		
Low	Senior Leadership Team	Six Weekly	Programme Manager	Monthly
	Wider Leadership Group*	As Required		

*Wider Leadership Group is to be interpreted as any staff member with specific business responsibilities, including but not limited to, General Managers, Unit Managers, Team Leaders and Project Managers.

By using this matrix a decision can be made as to the level of escalation for management acceptance that is required and the frequencies with which accepted risks are to be reported.

Committee: Strategy & Policy Committee **Date:** 24 February 2015

Report Name: Proposed alteration to the Garden Place Pedestrian Mall, deliberation and decision report **Author:** Robyn Denton

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Relates to the Access Hamilton Strategy and the Traffic Bylaw.</i>
Financial status	<i>There is budget allocated to the review of the pedestrian mall.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.</i>

1. Purpose of the Report

- The purpose of this report is to present the public submissions following consultation on the proposed alteration to the Garden Place Pedestrian Mall to assist Council to deliberate. The report also seeks a decision from Council as to whether the Garden Place Pedestrian Mall should be altered.

3. Executive Summary

- Council has completed its consultation on whether the western boundary of the Garden Place Pedestrian Mall should be altered to allow Council greater flexibility to allow parking in the area adjacent to the Shared Zone (see Attachment 1).
- The majority of submissions (70%) were against allowing parking within or next to the shared zone.
- Staff recommend no change to the existing Garden Place Pedestrian Mall after considering submitter feedback.

7. Recommendations from Management – Recommendation to Council

That:

- a) the Report be received.
- b) the Council determine that following the outcome of the consultation period the Garden Place Pedestrian Mall boundaries remain as they are.
- c) staff work with key stakeholders to improve the safety and usability of the Shared Zone, including providing a layout that discourages parking in the Shared Zone and Garden Place Mall interface.

8. Attachments

9. Attachment 1 - Map of the proposed change
10. Attachment 2 - Traffic Bylaw Hearing Subcommittee Chairpersons Hearings Report

11. Background

12. At the [3 September 2014 Strategy and Policy Committee, Item 15](#), and subsequent Council meeting, the Statement of Proposal for the Proposed Alteration to the Garden Place Pedestrian Mall (see Attachment 1 for map of proposed change) was adopted to go out for consultation in parallel with the Traffic Bylaw 2015. The outcome of the consultation in regard to the Traffic Bylaw is covered in a separate deliberation and adoption report to this meeting.
13. The intention of the proposed change was to incorporate a section of Garden Place Pedestrian Mall that sits alongside the shared zone (and currently attracts car parking) into the Worley Place Shared Zone. If this part of the Pedestrian Mall was changed to Shared Zone then Council would have the flexibility to determine through the separate Bylaw register process whether it would allow parking or not. The purpose of a Shared Zone is to provide a space where pedestrians have the right of way and vehicles can move through but must show caution and respect.
14. During the consultation period 43 submissions were received.
15. At the [15 October 2014 Strategy and Policy Committee, Item 8](#) it was resolved that a Traffic Bylaw Hearing Subcommittee be established and delegated to hear the oral submissions for the Proposed Hamilton Traffic Bylaw 2014 (including the proposed alteration to the Garden Place Pedestrian Mall Declaration). Councillor Tooman was appointed chair of this subcommittee.
16. The Local Government Act 2002 (LGA) states that only full Council is allowed to review, make and revoke bylaws. To meet the requirements of the LGA:
 - The role of the Traffic Bylaw Hearing Subcommittee was to hear oral submissions to the proposed bylaw and alteration, and report what was heard to the Strategy and Policy Committee.
 - The role of the Strategy and Policy Committee is to deliberate on both the oral and written submissions received and recommend a bylaw for adoption by full Council.

17. Five people were heard by the subcommittee at their meeting on 26 November 2014. The submission overview can be read in the [Hearings Report, Item 5 of the subcommittee agenda](#).
18. A summary of the oral submissions and evidence presented is included as Attachment 2 - Traffic Bylaw Hearing Subcommittee Chairpersons Hearings Report. Minutes for the hearings can be found [online](#).
19. The full submissions can be viewed at <http://www.hamilton.govt.nz/consultation>
20. Of those submissions:
 - 15 submitters (35%) *supported* the proposal in principle – but 2 of these submitters (5%) supported the proposal as long as it led to parking being banned and enforced.
 - 28 submitters (65%) *did not support* the proposal in principle.

21. Deliberation Issues

22. The following table sets out the key issues raised by submitters with comment and recommendations from staff in regard to those issue:

Issues raised by submitters	Staff comments and recommendations
Greater parking in the Central City is needed	Our on-street parking surveys indicate that while some streets around Garden Place are well utilised, there is still parking capacity in the immediate area for shoppers. Creating parking in this area will only add approximately 5 carparks.
More drop off parking is needed in the area for library users and others	<p>There are many loading zones within close vicinity of Garden Place. Loading zones allow for the loading or unloading of goods or passengers. There are also several mobility carparks in the area.</p> <p>Staff recommend that greater communication is needed for the public and local business community on loading zones – their locations and use. This will be made available on the Council website and promoted via the Hamilton Central Business Association and I-Site</p>
Parking in a shared zone is unsafe and poses unnecessary risks especially to children and the disabled using the area.	<p>Parked vehicles within the Shared Zone make the area look and feel more like a road rather than an area which pedestrians have the right of way. Parked vehicles also make the area harder for vision impaired users to negotiate their way safely across the area as the cars create a ‘changing landscape’.</p> <p>Staff recommend that the current prohibition of stopping or parking in the Shared Zone and Garden Place Mall (except with written permission) remain unchanged and be enforced. Minor changes to the layout of the area are also recommended including:</p> <ul style="list-style-type: none"> • improved signage, • relocation of existing street furniture, • installation of an additional tree and seat

	Any changes would be made in consultation with the Blind Foundation and CCS Waikato.
The shared zone is unsafe as cars travel too fast.	<p>The number of vehicles using the Shared Zone has increased significantly in the last 2 years from 1,080 vehicles to 2,350 cars per day (based on a weekday count). The speed of the cars using the shared zone are slightly higher (15 Km/h) than is desirable (10km/h) but with increasing traffic volumes speeds are decreasing due to the need to wait for opportunities to move through the space. Tightening of the area through removing the current space used for parking will assist in lowering speeds and can be supported by further education on the appropriate use of the Shared Zone by motorists.</p> <p>Staff recommend that following completion of the minor layout changes, further education campaigns are run in regard to the safe use of the Shared Zone by pedestrians and motorists.</p>

23. Legislative requirements or legal issues

24. Under Section 336 of the Local Government Act 1974, if Council decides to alter the Pedestrian Mall it is required to make a declaration of its intentions. Those who wish to appeal the declaration are allowed one month to do so following the date of declaration of intention.
25. The declared change would not take effect until any appeals to the declaration have been heard by the Environment Court.

26. Options

27. Option 1 – No change to the Garden Place Pedestrian Mall boundary. (Recommended)
- The majority (65%) of the submitters did not support any changes to the Pedestrian Mall extents.
 - 70% of submitters expressed concern about any changes that would allow for parking within the Shared Zone area (both current and proposed extents).
 - The combination of better communication in regard to current parking provisions in the vicinity of Garden Place (including Loading Zones), clearer signage and minor changes to the Shared Zone would result in a safer and more family friendly space linking Garden Place and Civic Square. The changes would also provide a clearer signal to motorists that parking was not permitted or provided for within the Shared Zone area.
28. Option 2 – Declare an alteration to the Western Boundary of the Pedestrian Mall so that it no longer includes the section next to the Shared Zone.
- Of the 30% of submitters who supported changes to the extent of the Garden Place Pedestrian Mall to allow parking the primary reason was to increase short term parking/loading opportunities in the Shared Zone area.
 - On-street parking survey data shows there are on-street parking spaces available in close proximity to Garden Place in addition to the off-street parking available in the Garden Place carpark. There are also loading zones within close vicinity of Garden Place which are able to be used for the unloading or loading of goods and passengers.

- Discussions with retailers suggest customers are unaware that they are allowed to use loading zones. Better communication with both retailers and the general public could largely address this issue.
- The alteration of the boundary of the Pedestrian Mall will not automatically change the parking restrictions in the area as parking is currently not permitted in the Shared Zone.
- If Council were successful in having the extents of the Garden Place Pedestrian Mall (and therefore the adjacent Shared Zone) changed, any process to change the current ‘No Parking’ provisions in the Shared Zone would need further consultation with stakeholders of Garden Place to establish what type of parking is needed. Based on the submissions received to date it would be expected that there would be strong opposition to allowing any parking in this area.

29. Financial Implications

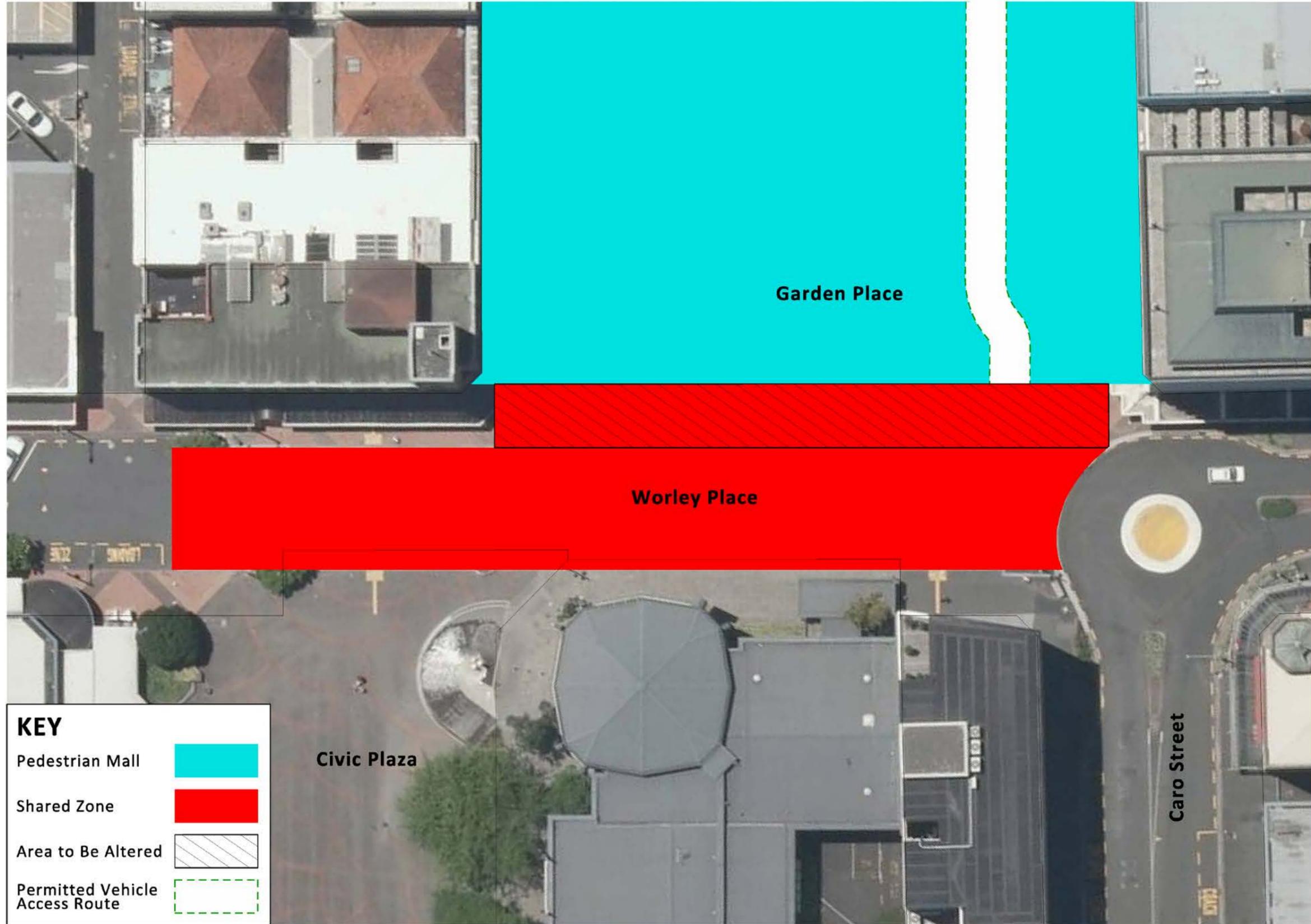
30. Changes to the signage and layout of street furniture within the Shared Zone could be funded from the Discretionary Transport programme. The proposed changes are very minor and generally utilise the relocation of existing furniture from within the area.
31. Education on the safe use of the Shared Zone could be funded from the Road Safety Community Education Fund.
32. Information on parking within the Central City is able to be made available via the Council website and with assistance from the Hamilton Central Business Association and I-Site.

33. Risk

34. The recommendation to retain the current status of the Garden Place Pedestrian Mall (Option 1) with increased enforcement and improved communication regarding current parking spaces in the vicinity of Garden Place is considered low risk.
35. A change to the extent of the Garden Place Pedestrian Mall (Option 2) has potential to result in appeals which would have to be heard in the Environment Court. Council would then face the associated costs with defending its decision.

Signatory

Authoriser	Chris Allen, General Manager City Infrastructure Group
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Committee: Strategy and Policy Committee **Date:** 24 February 2015
Report Name: Traffic Bylaw Hearings **Author:** Leo Tooman
 Subcommittee Chairpersons
 Report

Report Status	<i>Open</i>
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1. The purpose of this report is to provide a full and thorough statement of what took place during the hearings held on 26 November 2014;
 - the Traffic Bylaw 2014 and
 - the Proposed Alteration to the Garden Place Pedestrian Mall (proposed alteration).
2. One submitter wished to be heard in relation to the bylaw, and five submitters wished to speak regarding the proposed alteration.
3. The hearings were held consecutively, with the submitter who spoke to the bylaw speaking only to the aspects that affect the proposed alteration.
4. Recordings of the hearings can be found on the FTP site under HCC/2014/Strategy & Policy Committee/Traffic Bylaw Hearing Subcommittee. Full minutes are available [here](#).
5. Key points raised by submitters were as follows:
 - Garden Place and the shared zone are well utilised by pedestrians but submitters felt the safety for pedestrians could be improved.
 - Submitters outlined that allowing any parking in the shared zone / Garden Place Pedestrian Mall interface will lead to an increased risk for many users, especially the vision impaired, those in wheelchairs and children who won't be seen by people driving vehicles.
 - Allowing parking would change the emphasis of the shared zone from an area where pedestrians are at the top of the hierarchy (as designated under the Land Transport (Road User) Rule 2004) to one that mimics a normal road where vehicles have right of way.
 - The delineations paving is supposed to act as a pseudo kerbline for the visually impaired. Currently the delineation paving guides those partially sighted directly through the area where cars would be parked. As such it is extremely dangerous.
 - The Blind Foundation offered to help with improving the design of the shared zone to make it safer for the visually impaired.
 - One submitter outlined that the current illegally parked cars in the area next to the shared zone are causing issues for Garden Place residents trying to access their right of way by parking across the bollards. Parking could work in the adjacent area but needs to be strictly enforced.
6. Key questions asked by the subcommittee to submitters were:
 - Is the shared zone as safe as they are in other places in around the world?
 Submitters felt it takes time for people to change their habits, and that some people are still using that space as if it were a normal road. While people are still adjusting to how to use a shared zone safely we need to keep all of our community safe.

- Does having cars parked in the shared zone change the user hierarchy of the space? Submitters felt that it does, as it takes the whole of Garden Place from a nice pedestrian haven to be enjoyed by all, and makes it more focused on being a drop off zone/ pick up area for vehicles.
 - Are there any examples in New Zealand which Hamilton City Council could use for the design of the shared space?
The submitter advised to consider the shared space around Federal Street in Auckland as it was designed with the input of the Blind Foundation.
 - Have you found as a visually impaired person that it is hard to use the shared space when vehicles are travelling through it?
Submitters that were asked said yes, but it is even more difficult when vehicles are reversing, as they are very quiet and you can't tell which direction the sound is coming from. This makes it hard to keep safe around parking / reversing vehicles.
7. Staff will report back to the Strategy and Policy Committee on 24 February 2015.

Committee: Strategy & Policy Committee **Date:** 24 February 2015

Report Name: Consideration and Retrospective Approval of Four HCC Submissions to External Organisations **Author:** Mark Brougham

Report Status	<i>Open.</i>
Strategy, Policy or Plan context	<i>HCC's Process for Developing Submissions to External Organisations.</i>
Financial status	<i>There is no budget allocated.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.</i>

1. Purpose of the Report

2. For the Strategy and Policy Committee to consider and retrospectively approve the following four HCC submissions to:
 - Waikato District Council's Proposed Local Alcohol Policy 2014 (submission sent 21/11/14).
 - The Draft Waikato Regional Land Transport Plan 2015-2045 (submission sent 19/12/14).
 - The Draft Waikato Regional Public Transport Plan 2015-2025 (submission sent 19/12/14).
 - The New Zealand Productivity Commission's November 2014 Issues Paper 'Using Land for Housing' (submission sent 23/1/15).

3. Executive Summary

4. The four submissions outlined in Section 2 are seen as being of significance to Hamilton City and to HCC's operations and have already been sent to the respective organisations to meet the submission closing date.
5. As part of the process for developing submissions to external organisations, all HCC submissions need to be considered and approved by the Strategy and Policy Committee.
6. Elected Member feedback on draft submissions is included in all final submissions sent. While there was no Elected Member feedback on the first three draft submissions circulated for comment, there was significant Elected Member input into HCC's final submission sent to the New Zealand Productivity Commission on 23 January 2015.

7. Recommendations from Management

- a) That the Report be received.

- b) That the four HCC submissions outlined in Section 2 be considered and retrospectively approved.
- c) That the relevant organisations be advised of any changes made to the four HCC submissions at the 24 February 2015 Strategy and Policy Committee meeting.
- d) That subsequent to the Strategy and Policy Committee's approval, the four finalised submissions be uploaded to HCC's website.
- e) That local Members of Parliament be advised of the four HCC submissions adopted at the 24 February 2015 Strategy and Policy Committee meeting.

8. Attachments

- 9. Attachment 1 - HCCs Submission to Waikato District Councils Proposed Local Alcohol Policy 2014 (21 November 2014) (PDF)
- 10. Attachment 2 - HCCs Final Submission to the Draft Waikato Regional Land Transport Plan 2015-2045 (19 December 2014) (PDF)
- 11. Attachment 3 - HCCs Final Submission to the Draft Waikato Regional Public Transport Plan 2015-2025 (19 December 2014) (PDF)
- 12. Attachment 4 - HCCs Final Submission to the NZ Productivity Commissions November 2014 Issues Paper Using Land for Housing (23 January 2015) (PDF)
- 13. Attachment 5 - Hamilton Residential Growth Map (December 2014) - Part of HCCs 23 January 2015 Submission to the NZ Productivity Commissions November 2014 Issues Paper Using Land for Housing (PDF)

Signatory

Authoriser	Blair Bowcott, General Manager Performance Group
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**Submission by
Hamilton City Council**

WAIKATO DISTRICT COUNCIL'S PROPOSED LOCAL ALCOHOL POLICY 2014

21 November 2014

Introduction

1. Hamilton City Council (HCC) welcomes the opportunity to make a submission to Waikato District Council's Proposed Local Alcohol Policy (LAP), and acknowledges the useful collaboration with HCC during the development process and the establishment of the District Licensing Committee (DLC).

Specific Comments

2. HCC notes the format and presentation of the proposed LAP to be clear and easy to understand.
3. HCC supports Waikato District Council's (WDC's) policy approach to the licence hours. HCC is yet to have a draft LAP adopted, but has been discussing at length policy direction and options. We note that the off-licence hours outlined in WDC's Proposed LAP are consistent with HCC's proposed approach and the benefit of this consistency across council borders in reducing migration issues.
4. HCC notes that WDC's Proposed LAP does not allow supermarkets (a type of off-licence) to have longer licensing hours than other off-licences such as bottle stores. This is also consistent with the HCC approach proposed to reduce alcohol related harm. HCC supports the approach used by WDC for managing alcohol related harm in terms of limiting the location of off-licences to commercial zones/centres. We note that it is consistent with the approach being considered by HCC.
5. HCC recognises restrictions in terms of the number and location of stand alone bottle stores (not within 1 km of a supermarket or another bottle store and not within 100m of a school or early childcare facility).
6. HCC also recognises one way door restrictions. This is something that has been debated at length in the development of the HCC draft LAP. HCC would be interested in any monitoring results from these restrictions and local evidence of the impact on alcohol related harm.
7. HCC supports regional consistency where possible/appropriate and would like to continue to work together with WDC in regard to the District Licensing Commission's monitoring and reporting functions.

Further Information and Hearings

8. Should Waikato District Council require clarification of the points raised in this submission, or additional information, please contact Tegan McIntyre (Programme Manager, Policy and Bylaws) on 07 838 6637, email tegan.mcintyre@hcc.govt.nz in the first instance.
9. HCC **does not** wish to speak in support of this submission at the hearings.

10. Please note that although this submission has been circulated to Hamilton City Council's Elected Members for consideration and feedback, it has not been formally adopted through the formal committee process.
11. Hamilton City Council's submission is to be considered and adopted retrospectively at the February 2015 Strategy and Policy Committee meeting. We will advise you after this meeting if Council makes any changes to its submission.

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

Although this submission has been circulated to HCC's Elected Members for consideration and feedback, it has not been adopted through the formal committee process. HCC's submission is to be considered and adopted retrospectively at the February 2015 Strategy and Policy Committee meeting. We will advise you after this meeting if HCC makes any changes to its submission.

Submission by
Hamilton City Council

DRAFT WAIKATO REGIONAL LAND TRANSPORT PLAN 2015-2045

19 DECEMBER 2014

Introduction

1. Hamilton City Council (HCC) welcomes the opportunity to make a submission to the Waikato Regional Council's Draft Waikato Regional Land Transport Plan 2015-2045.
2. HCC provided feedback on the June 2014 Consultation Document 'Supporting Development of the Draft Waikato Regional Land Transport Plan 2015-2021' and would like to thank the Waikato Regional Council (WRC) for incorporating our comments.
3. HCC acknowledges the involvement of HCC Elected Member representation on the Regional Transport Committee (RTC) in the development of this Plan.

Specific Comments

4. HCC believe the Draft Plan aligns well with draft Government Policy Statement on Land Transport 2015/16 - 2024/25.
5. HCC recognises and supports the continued alignment of policies with the Proposed Waikato Regional Policy Statement (as at November 2012).
6. HCC supports the six regional land transport objectives identified for the plan.
7. HCC endorses the key short-term priorities (1-10 years).
8. [Integration and Forward Planning \(page 49\)](#)
9. HCC supports the policies, measures and KPI's proposed for the integrated co-ordination and management of land use and the transport system in the Waikato Region.
10. [Facilitating Economic Development \(page 52\)](#)
11. HCC supports the policies, measures and KPI's proposed for the enhancement of economic growth and productivity for the Waikato Region.
12. HCC is fully supportive of the completion of the Waikato Expressway but believes that the Southern Links project should have been a key part of the Waikato Expressway, as it facilitates increased access to markets (domestic and export) by enabling fast and efficient access to ports, logistics centres and customers. Consequently, HCC requests that the Southern Links and the SH1 corridor through Hamilton City (recognised in RLTP as a National Road corridor- page 73) be regarded as a key focus for the region beyond the Waikato Expressway as "associated improvements". HCC would like to be closely involved in M17 to identify the next investment priorities.

13. HCC further believes that the gradual implementation of high occupancy/public transport lanes on key corridors in Hamilton City will be a priority in future years.
14. HCC recognises the necessity of managing travel demand/ensuring alternative transport options on our network and supports in principle the policy "P15 – improve travel demand management measures in Hamilton, and between Hamilton and satellite towns" and the consequent measure M19.
15. HCC prefers the word "Maintain" rather than "Improve" for KPI 4. The completion of the Waikato Expressway and the Wairere Drive Ring Road will achieve some improvement due to the redistribution of traffic, but both travel time and reliability on the arterial network are vulnerable to growth. In the longer term, it will be a challenge to maintain the current levels.
- 16. Road Safety (page 56)**
17. HCC supports the policies, measures and KPI's proposed for the reduction of risk and achievement of a reducing trend in deaths and serious injuries on Waikato roads.
18. HCC supports in principle the policy P17, the consequent measure M21 and indicator KPI 9.
19. HCC suggests the measure requiring the 'development' of a regional speed management plan be reworded to 'development and implementation'.
- 20. Affordability (page 58)**
21. HCC supports the policies, measures and KPI's proposed to reduce costs and achieve value for money in regional land transport planning, maintenance and development.
22. HCC agrees with the principle of additional integrated modal funding as per policy P22 and measure M30, but would not necessarily support it if it resulted in a reduction in funding for roads without proper consideration.
23. HCC supports the measure M35, but advises that it will continue to deliver travel demand management measures at the current level for the foreseeable future.
24. HCC believes there is a need to include a policy requiring that whole of life costs are considered in decision-making relating to infrastructure.
- 25. Access and Mobility (page 61)**
26. HCC supports in principle the policies, measures and KPI's proposed to improve access and mobility for the transport disadvantaged and the region's communities in general.
27. HCC supports in principle the policies specified, but delivery of the outcomes for indicators KPI 15 and 16 is subject to funding. KPI 17, targeting an increase in level of investment in accessibility improvements is not considered to be an appropriate KPI for the reasons given in paragraph 35 below.
- 28. Environmental Sustainability and Resilience (page 65)**
29. HCC supports in principle the Draft Waikato Regional Land Transport Plan 2015-2045 policies, measures and KPI's proposed to facilitate the regional transport system becoming increasingly energy efficient and its environmental effects becoming better understood and mitigated, and adds the following comments.
- 30. Other**
31. HCC agrees with the inclusion of the NZ Transport Agency projects 'SH1 Wex Hamilton Section', 'SH 1/26 Hillcrest Morrinsville roundabout' and 'SH 1 Cobham/Cambridge Intersection' in the top ten significant activities. However, HCC also requests that the Gallagher Drive Intersection Improvements project be added to the list. This intersection does not currently provide safe

efficient access or accommodate local freight and business demands and is now one of the few projects that has been discussed at RTC for many years and not implemented.

32. HCC considers Te Awa Cycleway project to be a significant activity for the region. HCC is in the final stages of developing the Hamilton Biking Plan which has a 30 year vision; as part of this plan a strategic biking network will be developed for the city, of which Te Awa and other regional links will form a significant part.
33. HCC staff will continue to work with WRC staff to ensure funding streams are as accurate as possible, noting the variances in timelines for our respective programme development.
34. HCC requests that WRC facilitate an easy process of variation of the RLTP to include subsequently identified Cycling projects by any transport partner at any time.
35. HCC does not agree with any KPI that imposes a direct obligation on a Transport partner to increase its level of investment eg KPI 17. The level of investment that a Transport partner can commit is subject to Annual and 10-Year planning processes. HCC requests that all KPI's are reviewed accordingly.
36. The Western Corridor should be added to P48 given its recognition as a national Road Corridor and the identified improvement requirements (SH26/SH1 intersection , Sh1/Cambridge Road intersection and Gallagher drive Intersection) noting that SH1 prior to Southern Links is regarded as part of the Western Corridor.
37. HCC is still finalising its draft 2015-25 10-Year Plan which is likely to result in some variation to the activities listed in the RLTP and the HCC Plan. HCC requests that prior to final publication of the RLTP that all Transport partners are given the opportunity to confirm their activities, particularly Appendix 7.

Further Information and Hearings

38. Should the Waikato Regional Council require clarification of the points raised in this submission, or additional information, please contact Dawn Shannon (Strategic Asset and Performance Manager, City Transportation) on 07 838 6446, email Dawn.Shannon@hcc.govt.nz in the first instance.
39. HCC **does wish to speak** in support of this submission at the hearings.

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

Although this submission has been circulated to HCC's Elected Members for consideration and feedback, it has not been adopted through the formal committee process. HCC's submission is to be considered and adopted retrospectively at the 24 February 2015 Strategy and Policy Committee meeting. We will advise you after this meeting if HCC makes any changes to its submission.



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**Submission by
Hamilton City Council**

DRAFT WAIKATO REGIONAL PUBLIC TRANSPORT PLAN 2015-2025

19 DECEMBER 2014

Introduction

1. Hamilton City Council (HCC) welcomes the opportunity to make a submission to the Waikato Regional Council's (WRCs) Draft Waikato Regional Public Transport Plan 2015-2025.
2. HCC would like to thank WRC for the collaborative approach to the development of the Draft Waikato Regional Public Transport Plan and the invitation to elected members Her Worship the Mayor Julie Hardaker and Councillor Margaret Forsyth to represent HCC on the Regional Public Transport Plan Development Committee. The regular progress updates provided to the Hamilton Public Transport Joint Committee, including representation from HCC elected members Councillor Margaret Forsyth and Councillor Leo Tooman, were appreciated.
3. HCC particularly supports the provision of public transport services to new and developing growth areas of the city, as identified within the Hamilton Urban Growth Strategy, particularly as these areas become more populated. The early introduction of public transport services into these growth areas is important in sending the right signals to the new residents that they have alternative transport choices. HCC look forward to working proactively with WRC in identifying timeframes for residential land developments, ensuring that well-timed service provision connects households to key employment zones in the city, in particular the CBD and Te Rapa.
4. HCC also supports the emphasis which has been placed on the importance of Hamilton's public transport services within the region, and the services linking satellite towns to Hamilton City assisting economic development and providing affordable options for the transport disadvantaged.
5. The City's transport strategy 'Access Hamilton' has a number of goals and objectives in regard to public transport and HCC appreciates the cooperative way that the core goals of this strategy have been included in this draft plan. This is especially relevant in regard to patronage growth and encouraging the move away from single occupancy car trips both in the immediate and long term.

Specific Comments

6. [Strategy and Policy Context \(page 18\)](#)
7. HCC believe the Draft Plan aligns well with the National and Regional Transport Strategies, including the draft Government Policy Statement and draft Regional Land Transport Plan.
8. [Strategic Priorities \(page 39\)](#)
9. HCC recognises, and is supportive of, the importance for continued close alignment with land use planning and service provision.

10. Policies and Actions:

11. Hamilton Urban Services (page 44)

12. HCC is supportive of the new route hierarchy and increase in distance from 400m to 600m from homes to the nearest bus route, as described in Policy 1. HCC is keen to work with WRC in the development of a clear framework for the prioritisation and delivery of infrastructure, taking into consideration integration with other transport modes.

13. HCC is supportive of Action A3 and A4 in the monitoring and review of services and would like to work with WRC in the identification of key transport disadvantaged groups which may be impacted as part of any route changes, ensuring their needs are addressed.

14. Future Passenger Rail Services (page 49)

15. HCC is supportive of continued investigation into the provision of a passenger rail service between Auckland and Hamilton but only when it is appropriate to undertake further work, recognising this as a medium to long term priority.

16. Fare Structure and Ticketing (page 50)

17. HCC looks forward to the fare structure review and supports the progression of a new electronic ticketing system which will enable greater flexibility around fare structures. We understand that this is linked to the development of a national procurement approach.

18. Branding and Marketing (page 54)

19. HCC supports enabling other organisations to advertise on the buses, with the revenue generated being used for promotional purposes that support the use of the public transport system.

20. Infrastructure Planning and Delivery (page 55)

21. HCC would like to congratulate WRC on their provision of a fully accessible Hamilton Urban bus fleet and HCC remains committed to continuing with its fully accessible bus stop infrastructure improvement programme, subject to ongoing funding.

22. Procurement Approach (page 59)

23. HCC would like a greater focus on customer service and the modelling of road safety behaviours within the procurement approach for public transport operators. We note that there is no mention of this in the draft RPTP document.

24. Hamilton Urban Services – Proposed Networks (page 67/68)

25. HCC has identified two areas on the Proposed Public Transport Bus Network for Hamilton City which will require consideration by WRC in the short term:

- a. The intersection of Wairere Drive and Huntington (West) has safety issues which may result in modifications. This may require changes to the bus route in this locality.
- b. With the Ruakura area development, and other developments, there will be disruptions to existing routes. As the development progresses, there may be a need to review affected routes.

Further Information and Hearings

26. Should the Waikato Regional Council require clarification of the points raised in this submission, or additional information, please contact Katherine Johns (Sustainable Transport Planner, City Transportation) on 07 838 6991, email katherine.johns@hcc.govt.nz in the first instance.
27. HCC **does wish to speak** in support of this submission at the hearings.

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

Although this submission has been circulated to HCC's Elected Members for consideration and feedback, it has not been adopted through the formal committee process. HCC's submission is to be considered and adopted retrospectively at the 24 February 2015 Strategy and Policy Committee meeting. We will advise you after this meeting if HCC makes any changes to its submission.



Submission by
Hamilton City Council

NEW ZEALAND PRODUCTIVITY COMMISSION'S NOVEMBER 2014 ISSUES PAPER 'USING LAND FOR HOUSING'

23 JANUARY 2015

Executive Summary and Recommendations

1. **Housing supply is only one part of a complex issue:**
 - The issues impacting housing affordability are complex and no single solution will address affordability on its own.
2. **There is a crucial role for Central Government:**
 - Local government's role in land supply is important, but strong leadership is needed from central government if the country is serious about addressing housing affordability.
 - There is a role for central government in:
 - Providing housing;
 - Strong legislative and institutional provision for affordable housing (such as through housing associations to ensure long-term affordability);
 - A stronger role for central government in affordable renting provision;
 - An increased range of effective local measures, including infrastructure funding options.
3. **Affordability differs throughout NZ:**
 - The affordability of housing in different parts of New Zealand can differ markedly and is a significant issue, particularly in Auckland and Christchurch.
 - Hamilton is still an affordable city to buy a house and has become more affordable in recent years based on the Demographia report series i.e. since Hamilton was first included in this report (2007), the index has reduced from 6.3 to 4.7 (2015 report) and has continued to trend downwards since 2010.
4. **Hamilton's approach to housing supply is sound:**
 - For many years Hamilton has had a strong approach to the strategic management of growth which has ensured that there is zoned land supply for the next 40 years, and serviced land supply for at least 10 years.
 - Although there is not a shortage of zoned or serviced land in Hamilton, there is a challenge with funding infrastructure.

5. **Funding of growth infrastructure is Hamilton's biggest issue:**
 - Funding infrastructure is the biggest challenge for Hamilton and all growth councils in the housing affordability debate.
 - HCC is not in a position to forward fund growth related infrastructure in all identified growth areas of the city.
 - Legislation and regulations (e.g. Local Government (Financial Reporting and Prudence) Regulations 2014), set the context in which councils must operate.
 - Department of Internal Affairs reporting shows that many high growth councils (including Hamilton) are already highly indebted which limits the ability to borrow further to fund growth infrastructure.
 - Development contributions only fund 50% of growth infrastructure and require investment upfront, with a long-lead time to recoup this investment. This puts pressure on council balance sheets.
 - As Hamilton is a high growth metro, assistance from Government should be investigated and additional funding options made available which minimise pressure on local ratepayers.
6. **RMA reforms supported:**
 - HCC supports regulatory/RMA reforms which could assist in providing housing land, and advocates for Government to develop a comprehensive policy to address housing affordability that addresses issues beyond supply side measures.
7. **Developers' incentives need to be examined:**
 - The Commission should recognise that councils have limited powers to directly control the timing and final stages of the development process creating 'shovel ready' capacity for building housing.
8. **Good practice examples:**
 - HCC has a number of examples where it has been successful in ensuring that the supply of housing meets the projected demand (refer point 62).

RECOMMENDATIONS

9. **Infrastructure for Housing (Questions 44-55)**
 - A form of Government assistance should be investigated and additional funding options made available which minimise pressure on local ratepayers and enable large capital investment in infrastructure. The Government should investigate:
 - Additional direct or indirect Government funding, such as via a regional infrastructure funding source;
 - Subsidies for growth councils;
 - Direct provision of housing by the Government;
 - Exceptions for growth areas;
 - Zero percent loans (subject to considerations regarding debt levels);
 - Funding guarantees, and grants;
 - Land uplift taxes as used in the UK;
 - Not charging GST on rates, or providing a refund.
 - Clarification in the LGA 2002 regarding obligations on territorial authorities and developers in regard to providing trunk and bulk infrastructure to service development would reduce delays to service provision and ultimately the supply of serviced land.
 - Financial regulations that came into force in 2014 act as a barrier to use debt funding for infrastructure investment to enable housing development and should be examined.

10. The Planning and Development System (Questions 1-4, Q8, Q13, Q17, Q18, Q21-43)

- Any recommended changes to the RMA or other legislation would need to be part of a wider range of initiatives including funding and financing of infrastructure provision and not considered in isolation but could include:
 - A National Policy Statement or other instrument is needed in order to provide clear direction to councils;
 - Streamlined processes, including standard s32 reports, should be considered where a plan change/variation or plan review seeks to deliver affordable housing;
 - A standard plan format, including standard definitions, is supported;
 - Alternative planning arrangements that reduce timeframes, including by way of limiting appeals and objections, such as those provided through Board of Inquiry processes, the Auckland Unitary Plan process and processes in the Housing Accords and Special Housing Areas Act, should be considered.
 - Specific provisions to enhance the ability for councils to efficiently and effectively deliver infrastructure for growth. This could include streamlined RMA processes for council infrastructure projects.
 - A streamlined legislative process for Council-led spatial/strategic plans.
- Any examination of the planning and development system should not be framed solely in terms of the system's ability to control externalities but should be part of a comprehensive analysis to ensure a focus on the delivery of quality, successful, urban communities. HCC made a submission to the Urban Taskforce in 2010 in which similar points were raised and elaborated on, and can provide a copy of this submission if the Productivity Commission would find this useful.

11. Incentives on developers as landowners (Questions 68 – 70)

- The Productivity Commission's inquiry should examine options and solutions to ensure that residential developments will be brought to the market by developers in a timely manner. These could include:
 - Examining the incentives provided for developers due to the way that DCs and rates are charged;
 - Limiting the ability to stage subdivisions in a way that allows developers to sit on land and drip-feed it onto the market;
 - Significantly shorter timeframes from subdivision consent to s224c stage.

12. Definition of Development Capacity:

- A clear definition of development capacity needs to be provided. This should take into account that councils have little control over the timing of the final phases of development or ensuring land is brought to the market. HCC considers that a useful definition would be broken down into four categories to include:
 1. Land that is shovel-ready, which has all bulk/strategic infrastructure provided and all that remains is for a developer to obtain subdivision consent and provide local infrastructure;
 2. Land that has bulk/strategic infrastructure funded in years 1-3 of the LTP;
 3. Land that has bulk/strategic infrastructure funded in years 4-10 of the LTP;

4. Land that does not have bulk/strategic infrastructure funded and for which private developer agreement/funding would be required.

Specific Comments

The Hamilton Context - Housing Affordability in Hamilton

13. Hamilton has a rapidly growing population that is projected to grow by 50% in the next 40 years from 147,290 to 221,390 in 2063. It is also one of the fastest growing cities in New Zealand and experienced population growth of 9.3% between the 2006 and 2013 Census (source: Statistics NZ, 2014).
14. The three most commonly used indices showing Hamilton's housing affordability relative to other New Zealand cities are outlined in Table 1.

Table 1: Commonly Used Indices of Housing Affordability

City/District	Demographia (September 2014)	Demographia (September 2013)	Interest.co.nz (November 2014)	Massey University (June 2014)
Queenstown Lakes District	Not available	Not available	8.15	26.5
Auckland Metro	8.2	8.0	7.91	28.5
Tauranga City	6.8	6.6	5.05	19.5
Christchurch City	6.1	5.8	5.86	21.2
Wellington Metro	5.3	5.5	4.86	19.4
Dunedin City	4.6	5.2	3.91	13.9
Hamilton	4.7	4.8	4.81	19.5
Palmerston North City	4.1	4.5	3.64	12.2

Note: The Demographia and Interest.co.nz indices are based on the 'median multiple' (the median house price divided by the gross annual median household income). Both indices rate 3.0 or below as affordable. The Housing Accords and Special Housing Areas Act 2013 specify that a median multiple of 5.1 or over is unaffordable. The Massey University index does not specify a point at which housing is 'affordable' but specifies that the lower the index, the more affordable it is.

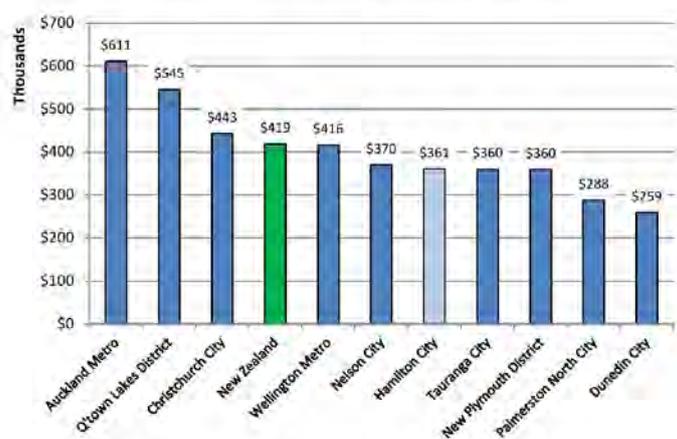
Source: 10th and 11th Annual Demographia International Housing Affordability Survey: 2014 and 2015 (data 3rd Quarter 2013 and 2014); www.interest.co.nz; Massey University Home Affordability Report (Quarterly Survey June 2014, Volume 24 Number 2).

15. Since Hamilton was first included in the Demographia report (2007), the index has reduced from 6.3 to 4.7 (2015 report) and the index has continued to trend downwards since 2010, meaning that housing in the city has become more affordable.
16. The 2015 report also showed that Hamilton was the 3rd best ranked city for affordability in New Zealand (Palmerston North was 1st at 4.1 and Auckland was 8th at 8.2), as well as being the 3rd best for Household Income after Auckland and Wellington i.e. \$63,000 in 2013 and \$67,000 in the 2015 report.
17. Hamilton does not have a housing affordability issue in terms of the factors specified in s9 (3) of the Housing Accords and Special Housing Areas Act 2013, despite Hamilton recently being placed in Schedule 1 of that Act. The measure specified in s9(3)(a)(i) of the Act is that the weekly mortgage payment on a median-priced house as a percentage of the median weekly take-home

pay for an individual should not exceed 50%, based on a 20% deposit. Based on current data, Hamilton housing meets this affordability measure with a percentage of around 38.7%¹. The requirement in s9(3)(a)(ii) for the median multiple (the median house price divided by the annual median household income) to be less than or equal to 5.1 is also met, with this being 4.7 as measured by the 2015 Demographia report or 4.81 as measured by interest.co.nz.

18. Hamilton's median house price of \$361,000 (June 2014) is at the lower end compared to other New Zealand major cities, as illustrated in Figure 1 below, even though Hamilton's median household income ranks third in the country behind only Auckland and Wellington at \$80,500. The combination of lower house prices and higher median income gives Hamilton a favourable position regarding housing affordability.

Figure 1: Median House Prices June 2014



Source: Real Estate Institute of New Zealand.

19. Renting in Hamilton is also relatively affordable. For example, a 3-bedroom home in Central Hamilton costs about 50% less to rent than it does in Central Auckland.²
20. MBIE's quarterly housing report (June 2014) highlighted the 'tale of two housing markets' — Auckland and Greater Christchurch, and the rest of New Zealand³. Their analysis indicates that the Auckland and Greater Christchurch markets are becoming increasingly separated from the rest of New Zealand. The Productivity Commission should take these differences into account when making any recommendations.

Growth Demand and Land Supply in Hamilton (Q14 and Q15)

21. For many years HCC has invested strongly in strategic planning and funding infrastructure for new greenfield land. Hamilton has an Urban Growth Strategy which sets out the future growth of the

¹ Based on a calculation as at 10 January 2015 at an interest rate of 6.74% for a 30 year loan, a median house price of \$361,000 and a median income of \$80,500, this would amount to 38.7% of take-home pay.

² Source: MBIE, Building and Housing Information, 2014, as quoted in 'Hamilton City Growth Overview' June 2014, BERL.

³ <http://www.dbh.govt.nz/UserFiles/File/Sector%20info/nzhc/2014/nz-housing-quarterly-june-2014.pdf>

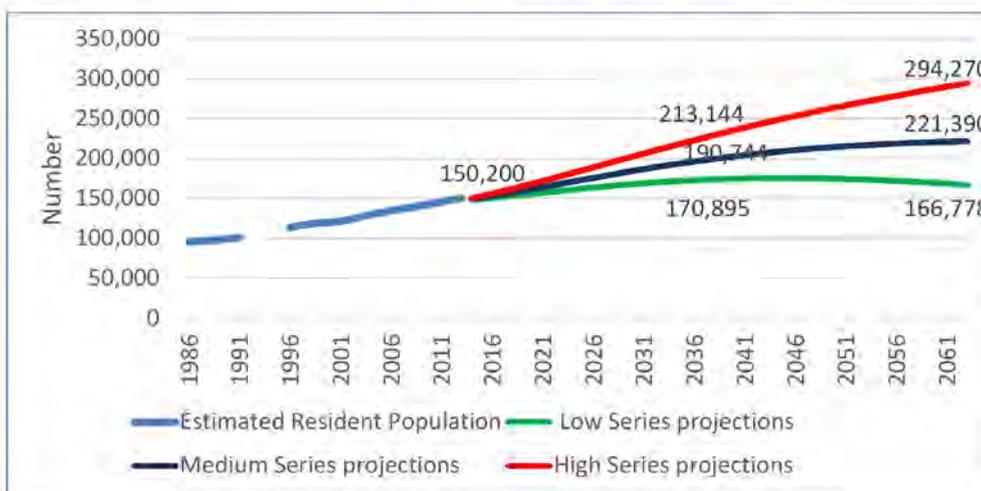
City. Hamilton is also a partner in the Future Proof strategy which was adopted in 2009 to achieve co-ordination of urban growth in the wider sub-region which encompasses Waikato District Council and Waipa District Council areas. The sub regional approach is very important because of the growing demand for city services and because understanding the land supply and demand close to Hamilton’s boundary impacts on decisions the Council makes relating to investment in growth.

- 22. The two strategies outline where urban development will occur over the next 30-50 years which ensures the supply of housing will be sufficient to accommodate the expected demand driven by population growth. Demand projections have been completed by the National Institute of Demographic and Economic Analysis (NIDEA) at the University of Waikato for the Future Proof sub-region and wider Waikato Region to ensure a consistency of demand assumptions. Waikato councils have aligned the Regional Policy Statement, District Plans and Structure Plans within this long-term land use strategy.
- 23. A key feature of the Hamilton Urban Growth Strategy and the Future Proof Strategy is an integrated planning approach to ensure that land use planning is integrated with the planning for infrastructure. In our view, a strategic approach is therefore very important in providing certainty for the Council, community and developers for the proposed sequencing and staging of growth. These strategies have provided that.

Housing Demand

- 24. The principal drivers for dwelling growth are population growth, demographic change, economic activity and access to credit markets. Recent demographic work undertaken by the NIDEA on population projections for Hamilton is illustrated in Figure 2.

Figure 2: Population Growth Projections: Hamilton 2013 – 2061



Source: NIDEA Projections 2014.

25. Applying a medium population projection scenario to an assumed (Census 2013) 2.8 people per household, Hamilton will require the following number of new dwellings (refer Table 2).

Table 2: New Dwellings Required in Hamilton to Meet Housing Demand

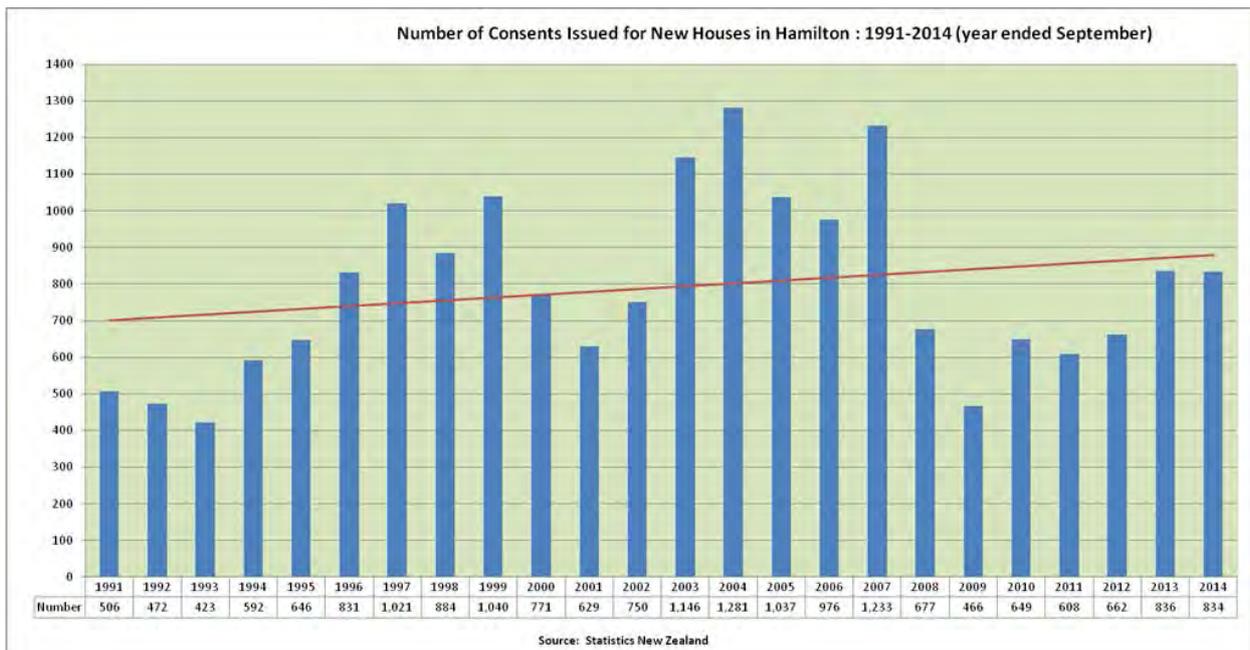
Period	New Dwellings Required
2014-2018	3,668 at a rate of approximately 730 per year
2019-2023	4,049 at a rate of approximately 810 per year
2024-2028	4,085 at a rate of approximately 820 per year
2029-2033	3,725 at a rate of approximately 750 per year

Source: HCC estimates.

Housing Supply

26. As a result of a strong focus on strategic planning, Hamilton has decades of supply of zoned and structure-planned land zoned or identified for future urbanisation, equating to a substantial supply even under high growth scenarios. HCC also has strategic infrastructure either in place already, or programmed in the 10-Year Plan to provide services to greenfield urban development.
27. The demand for new dwellings will be met through a mixture of new development in greenfields areas and from the existing parts of the city (through infill and intensification). Over the last five years an average of 40% of new dwellings were in the existing parts of the city. The total number of new dwellings completed in Hamilton has historically averaged about 790 per year. Over the housing boom period of 2002-2008 this rose to around 1,000 per year, but fell to around 500 per year from 2009-2011. The latest period from 2012-14 shows a return to longer-run averages experienced in Hamilton over the past two decades (refer Figure 3).

Figure 3: Number of Building Consents Issued for New Houses in Hamilton: 1991 – 2014



28. If the 25 year average growth rate of 790 dwellings per year is assumed, the current supply of land in Hamilton would be sufficient for over 60 years. Land that is zoned for residential use would provide capacity for around 40 years of growth. The Productivity Commission has not provided a definition of serviced land at this point, however in terms of land that is zoned, consented and/or serviced by infrastructure, the best estimate of supply for Hamilton is at least 10 years. This is conditional upon developers continuing to fund their growth development costs. This information is the best available at the present time and HCC would like to have discussions with the Productivity Commission in February 2015 about the data and assumptions used. HCC is also currently undertaking more detailed work on the nature, timing and capacity of the infrastructure serviced land supply, which will take into account the most up-to-date assumptions for the 2015-25 Long Term Plan. HCC is happy to provide that information to the Productivity Commission as it becomes available. Without a clear definition as to the Productivity Commissions' terminology (e.g. 'shovel-ready'), there will be variations amongst different councils as to how 'serviced' land capacity is calculated. This is discussed further below.

29. Summary:

- Hamilton has benefited from having land use strategic plans, including sub regional plans, in place for many years.
- Hamilton has sufficient zoned land to meet demand for housing for the next 40 years and infrastructure serviced land provision for at least 10 years.
- Hamilton has sufficient supply of potential sections for housing purposes.
- Release of further zoned greenfield sections in Hamilton would not materially improve the city's housing affordability.

Funding Infrastructure for Housing (Questions 44-55)

30. Funding infrastructure is the biggest challenge for Hamilton and all growth councils in the housing affordability debate. The reality is the Council is not in a position to forward fund growth related infrastructure in all identified growth areas of the city. A map showing the growth areas in Hamilton is attached for information.

31. There are already around 1,000 ha of land (approximately 16,000 sections) in Hamilton zoned residential in greenfield areas that are undeveloped because of the cost to provide infrastructure by either private developers or the Council. Funding infrastructure to enable development is the Council's biggest challenge.

32. HCC's role in providing infrastructure is generally citywide and strategic (such as water and wastewater plants, bulk mains, arterial roads, and public open space). Developers pay for local infrastructure within their development. However, there is insufficient guidance from the LGA 2002 regarding the obligations of territorial authorities to provide trunk and bulk infrastructure to service development outside of the understood obligations in respect of headworks and development-specific infrastructure. This uncertainty leads to delays and disputes around who is responsible to fund and provide it, and therefore delays service provision and ultimately the supply of serviced land.

33. The Council's ability to provide infrastructure faster to facilitate development is constrained because of the following reasons:

- The significant financial commitment required which has to be managed within the fiscal constraints in which we operate.
 - The need to balance this investment against management of the city's debt, including debt to revenue ratio, maintaining our credit rating, and maintaining affordable rate increases.
 - The Council's obligations to comply with the Local Government (Financial Reporting and Prudence) Regulations introduced in 2014 require reporting on certain key financial measures, including debt affordability benchmarks and other financial benchmarks.
 - Providing infrastructure to new areas of land far in advance of the time when this infrastructure is required for development is simply not financially feasible because large amounts of capital expenditure are required up front, and the payback period through additional rates income has a long lag time. Investing too early in strategic infrastructure results in an increased exposure to maintenance and operation costs and interest costs while the Council incrementally repays the debt by recouping its growth related costs from subsequent development (development contributions). Councils also take on the risk that growth will not occur at the speed anticipated, leaving councils with the holding and maintenance costs in the interim. Development cycles and understanding trends like net migration and what this means for Hamilton can sometimes be difficult to predict, although historically Hamilton has generally managed these predictions well.
 - Less than 50% of HCC funded growth related capital costs are recovered through development contributions. This is due to the requirements of the Local Government Act and development contributions case law to ensure that the allocation of growth related costs recognises the fact that existing ratepayers may use or otherwise benefit from the new infrastructure. There is no scope to increase development contribution charges within the current legislative framework. HCC also does not want to create financial barriers to commercial investments in the city by increasing development contribution charges.
34. HCC's growth capital programme for the 2012-22 10-Year Plan period is \$248 million, with the next 10-Year Plan expected to double that amount. To deliver what the city needs within this budget, the Council seeks to optimise the use of existing infrastructure to defer providing new infrastructure and adopts an approach of putting in new infrastructure on a just-in-time basis and only to the extent that the Council's debt to revenue ratio policy is not breached.

Lack of Tools for Funding of Infrastructure

35. With limited choices in the way the infrastructure is funded, the issue is one of timing – we can't afford to provide infrastructure all at once or ahead of when it will be required. The Department of Internal Affairs report 'Observations on the use of Debt by Local Government in New Zealand' (2011/01) noted that it was the high growth councils that dominated the debt risk assessments undertaken at that time⁴ i.e. many high growth councils (including Hamilton) are already highly indebted and have limited ability to leverage further debt to fund growth. The DIA report notes that further work may be needed to understand the relationship between high population growth and debt levels. In addition, the recent changes to the Local Government Act in 2014 have further restricted local authority funding by restricting the collection and use of development contributions.

⁴ Department of Internal Affairs, 'Observations on the use of Debt by Local Government in New Zealand' 2011/01, page 72.

36. Growth infrastructure for water, wastewater, stormwater and open space is not presently Government funded, and consideration should be given to a funding source for these types of infrastructure. While transport funding for growth infrastructure can be available through NZTA, it is difficult to secure. Currently, funding of growth infrastructure comes from ratepayers (through debt servicing) and developers through development contributions. Additional funding options are needed that could then allow important infrastructure projects to go ahead which would provide stimulus for regions and the national economy.

Initiatives

37. HCC has put in place the following to overcome the Council's financial constraints to funding infrastructure:
- In 2013 the Council introduced a Growth Funding Policy which provides a framework for the development community to privately fund developments in advance of, or not anticipated in, the 10-Year Plan. This provides developers with greater certainty about how the development community can accelerate investment in growth infrastructure. Under the Growth Funding Policy, HCC may consider advance funding infrastructure projects in its LTP provided that it is cost neutral to the community i.e. the developer carries the costs (including interest) until the funding becomes available in the allocated year within the LTP. Developers have responded well to these agreements. Generally these agreements work well for smaller infrastructure projects but larger projects can be prohibitively expensive and there are few developers with sufficient access to capital to fund very large infrastructure projects.
 - HCC has reduced development contributions for infill development. This is a way of incentivising infill development which can provide a range of housing types, including affordable options, to meet different types of demand (e.g. for smaller households). Infill development can be more affordable to service in the short-term, but infrastructure for infill/intensification can be extremely expensive once capacity has been reached.

Recommendations

- New funding options, including directed and indirect government funded options, should be investigated and made available which minimise pressure on local ratepayers and enable large capital investment in infrastructure.
- Examples include a regional infrastructure funding source, subsidies for growth councils, direct provision of housing by the Government, exceptions for growth areas, zero percent loans (subject to considerations regarding debt levels), funding guarantees, and grants. Land uplift taxes as used in the UK should also be investigated. Not charging GST on rates, or providing a refund, would also be a valuable tool in reducing the costs to developers.
- Clarification is needed in the LGA regarding the obligations on territorial authorities and developers about responsibility for the providing trunk and bulk infrastructure to service development.
- The financial regulations that came into force in 2014 act as a barrier to use debt funding for infrastructure investment to enable housing development and should be examined.

The Planning and Development System (Questions 1-4, Q8, Q13, Q17, Q18, Q21- 43)

38. The planning and development system associated with housing supply includes the Resource Management Act 1991, the Land Transport Management Act 2003 and the Local Government Act 2002. The Reserves Act 1977 is also a key piece of legislation which is central to providing open space, one of several crucial infrastructural elements required of integrated, functioning, sustainable urban communities.
39. The legislative requirements set out in these Acts provide the framework within which councils must act.
40. A number of key areas within the planning and development system are outlined below, including any current innovations and areas of best practice, and any recommendations for change.

Plan Changes/Variations

41. HCC does not currently have an affordable housing issue or a lack of supply of zoned land. HCC has, since as early as the 1970's, undertaken strategic planning for future land requirements, most recently by way of the Hamilton Urban Growth Strategy and the Future Proof sub-regional growth strategy. As a result, HCC has been able to promulgate plan changes/variations for a number of growth cells (e.g. Rototuna, Rotokauri and Peacocke) in advance of the land being needed for growth. HCC has also advanced the ability to utilise brownfield land and existing areas of the city for a more concentrated settlement pattern, including provision for intensification in parts of the City, via the Operative and Proposed District Plans.
42. Despite HCC being well placed in providing zoned land, the ability to re-zone land in a timely and affordable manner is clearly important to ensure sufficient supply of land. The processes required to re-zone land are costly to councils and ratepayers because of the requirements in the RMA. The recent changes to section 32, for example, will potentially further increase the costs and time to prepare plan changes/variations and reviews. The Government should consider providing a standardised process, including standardised section 32 information, which can enable plan changes/variations for affordable housing to be prepared quickly and cost-effectively.
43. Government could also consider a streamlined process whereby third party rights of appeal could be limited where a plan change/variation relates to affordable housing. In order to implement this kind of framework, it would need to be accompanied by a set of national policies, such as through a National Policy Statement, to provide clear direction to councils. At the moment, there is no clear direction for councils, and affordable housing is just one of many factors to be weighed under the RMA. If an NPS was developed, this would need to be in the context of a wider range of initiatives, specifically to ensure that financial burdens were not imposed on councils. For example, if an NPS were to promulgate a specific amount of zoned/serviced land per district (e.g. a 10 year supply), this would have significant financial implications for councils in terms of providing services ahead of when they are needed, particularly in slower market conditions.
44. In previous submissions on the RMA reform, HCC has supported the concept of a standardised plan format, including standard definitions, and these proposals continue to be supported. The Productivity Commission should also consider if there is value in other alternative planning arrangements that could assist in speeding up processes. For example, a recent Board of Inquiry

process for the Ruakura Inland Port development in Hamilton was concluded within 9 months. There are no rights of appeal to a Board of Inquiry process except on points of law and this resulted in a considerable time saving for the applicant. The Auckland Unitary Plan process also contains alternative planning arrangements, with no appeals except on points of law. Further, the Housing Accords and Special Housing Areas Act 2013 also contains limitations on rights of appeal and objections. HCC considers that alternative methods such as these should be considered. As discussed above, particular consideration needs to be given to matters such as how infrastructure is funded and financed. Regulatory solutions alone are not enough.

Recommendations

- Any recommended changes to the RMA or other legislation would need to be part of a wider range of initiatives including funding and financing of infrastructure provision and not considered in isolation.
- A National Policy Statement or other instrument is needed in order to provide clear direction to councils.
- Streamlined processes, including standard s32 reports, should be considered where a plan change/variation or plan review seeks to deliver affordable housing.
- A standard plan format, including standard definitions, is supported.
- Alternative planning arrangements, such as those provided through Board of Inquiry processes, the Auckland Unitary plan process and the processes in the Housing Accords and Special Housing Areas Act should be considered.

Resource Consents

45. HCC provides a number of best practice processes which assist in the processing of resource consents. 99% of resource consents are processed on time, and almost all consents are processed within the original deposit paid, so that there is certainty both of time and cost for a developer. HCC also provides other initiatives such as free pre-application and pre-design advice, and making draft conditions available for discussion before release of the consent. A Major Development Case Leader position has been operating for over 3 years to assist major complex development in the city. This position has no influence on the consenting process but works to ensure a 'one-point-of-contact' for developers at a senior leadership level. All appropriate staff are available for any pre-application meeting including infrastructure, reserves, and consenting staff. This is to facilitate a no-surprises approach and leads to faster processing of the application when it is lodged. Around a third of applicants (or 150 out of the average 400 consents per year) take advantage of the pre-application process, and this is an increasing trend. Feedback from developers indicates they are happy with HCC's processes so this does not appear to be an issue in terms of providing housing land in a timely manner.

Proposed District Plan

46. Hamilton City Council's Proposed District Plan went through hearings in the past year. The Plan contains a framework that is enabling of development and provides flexibility.
47. The District Plan provides for a range of section sizes and household choices, including smaller sections and more compact living environments (such as townhouses and apartments), as well as the traditional larger lots with backyards. Higher density housing is provided for in specified locations within the city, and allows flexibility for developers. The District Plan also enables a

range of duplex and other infill in the general residential zone. Structure Plans are in place for all greenfield areas to ensure growth is managed in an integrated way and that quality communities develop. These provisions align with the Proposed Waikato Regional Policy Statement and the Future Proof Growth Strategy provisions.

48. The District Plan provides the opportunities for mixed housing typologies the market is not delivering and there is a trend towards increasing gross floor areas despite the demographics showing a falling household size driving a demand for smaller living spaces. This situation is exacerbated by developers including private covenants requiring large sized houses on subdivision lots, which increase housing costs. There has been an increase in the use of covenants in recent years.
49. The observations of planning staff are that the District Plan is not affecting the availability of houses or housing land in the City.

Consenting Requirements for Local Authority Infrastructure

50. Councils are required to operate within the legislative provisions of the planning and development system which provide infrastructure for new residential growth areas. This may include resource consents or designations. Both processes can add cost and time to the process of providing infrastructure for growth areas.
51. The effects-based RMA approach can undermine the LGA drive for efficient and effective delivery of infrastructure for growth i.e. there are opposing purposes in the Acts. For example, Council may identify the most efficient and effective way to service a growth area, however a direct effects based approach sees developers in a position where they can argue that the development only needs to address its own effects and therefore the developer should only provide for temporary / ad hoc solutions. This can complicate or compromise a more efficient (and cost-effective) growth-area-based solution and ultimately adds costs to provide growth infrastructure.

Recommendation

- The Government should consider specific provisions to enhance the ability for Councils to efficiently and effectively deliver infrastructure for growth. This could include streamlined RMA processes for council infrastructure projects.

Additional Regulatory and Institutional Tools Required

52. In the Issues Paper the Commission asks whether increased supply of development capacity would lead to an increased supply of affordable housing, or whether further regulatory or other interventions would be required. HCC's view is further interventions are required to achieve affordable housing. The release of further housing land by councils will not guarantee that it is released to the market (as discussed below) and will not guarantee that the housing built on that land will necessarily be any more affordable. The additional holding costs for councils of providing infrastructure to greenfield areas before it is needed, if recouped, could increase the costs to developers and therefore negatively impact on housing affordability.
53. In order to ensure 'retained' affordability, that is affordable housing that will remain affordable through time, a mixture of regulatory and institutional tools is required. For example, in England,

housing associations are utilised at an institutional level to ensure that affordability is retained. Regulatory intervention, such as through the use of a National Policy Statement or similar intervention to require developers to provide a certain percentage of affordable housing, could also be utilised. The Urban Taskforce work on Building Competitive Cities in 2010 contained a number of useful recommendations.

Integration of Acts

54. An important aspect of planning for future housing supply needs in Hamilton has occurred through the Future Proof Strategy and the Hamilton Urban Growth Strategy. The development of these strategies occurred under the Local Government Act 2002 special consultative procedures. However, in order to embed these into RMA documents to give the strategies sufficient statutory weight, further processes such as a Regional Policy Statement Review, district plan changes/ variations and reviews, have been undertaken. These have taken around 5 years in total to date and some of the processes are still not complete. To enable a more effective and timely process, these kinds of plans should not be required to go through a full Schedule 1 RMA process. This could then speed up the release of zoned land. Integration of the RMA and Building Act could also be an effective mechanism to ensure more integrated and consistent requirements.

Recommendation

- Provide a streamlined legislative process for Council-led spatial/strategic plans.

Integrated, Functioning, Sustainable Urban Communities

55. The Issues Paper provides a view that the role of the planning and development system is a way to control externalities. This incorrectly assumes that the delivery of housing is the only function of the planning and development system. Under the RMA, the need to provide for land for housing is not explicit, and this is weighed alongside other environmental, social, economic and cultural matters. NZPI's position paper 'Managing Urban Growth' (March 2014) states that planning for urban growth is not just about accommodating new homes and building the infrastructure to support them, but also about maintaining a high quality of life and delivering an attractive environment. Urban settlements provide the focus for communities, including homes, shops, leisure, open space, recreation and cultural facilities, and places of work. The planning and development system in an urban context means planning for a range of environmental, social and cultural outcomes to create quality, sustainable communities. There is also a requirement to ensure that cultural, historic and natural resources are identified and protected. A focus on a single outcome, i.e the supply of houses, could result in the poor outcomes for social and community infrastructure, including public open space, and ultimately result in deprivation. Locations that are poorly provided for in terms of social and community infrastructure can also ultimately not be attractive to the market.

Recommendation

- Any examination of the planning and development system should not be framed solely in terms of the system's ability to control externalities but should be part of a comprehensive analysis to ensure a focus on the delivery of quality, successful, urban communities. HCC made a submission to the Urban Taskforce in 2010 in which similar points were raised and elaborated on, and can provide a copy of this submission if the Productivity Commission would find this useful.

Incentives on Developers and Landowners (Questions 68 – 70)

56. The Commission has already acknowledged that there are a complex set of factors contributing to affordability of housing. The relationship between land supply and the triggers and market considerations which lead developers to bring sections to the market is complex. There are a number of incentives for developers to hold land or drip feed sections, thereby affecting housing affordability.

- In Hamilton it is commonplace for developers to stage subdivisions to allow the release of only a portion of available land. This means that development contributions are fixed at the levels as at the date the consent is granted and are payable later in the development process and in smaller quanta. It consequently incentivises the developer to release small amounts of land at a time, and also allows the developer to control the release of land in order to ensure land prices remain high and profit is maximised.
- Land is rated at a full rate only once all services are available. Additionally, land is rated more cheaply as one large lot. Developers have been observed to hold on to the large lot and only sell a few lots at a time, which minimises the rates expense. The use of rates as a tool to incentivise developers to bring land to the market is complex and likely to be a blunt instrument, however it is important to be aware that this is a factor in developers' decision-making.
- Under the RMA, developers have up to 8 years to progress consents to s224c certification. An analysis of consents has identified that there are currently around 780 greenfield sections in Hamilton that have received consent for subdivision that, for strategic reasons in many cases, developers have not yet sought title. The timeframe to bring land to s224c certification stage used to be 5 years under the RMA. Consideration should be given to a shorter time-frame to incentivise developers to bring land to the market, such as the shorter time-frames provided for in the Housing Accords and Special Housing Areas Act 2013.

57. Different owners have different motives to release or hold onto land, but the incentive in a rising housing market is for developers to hold on to land and watch the potential sale price rise. This appears to be happening regardless of how much land is available. The solution is complex but does require more than just looking at the planning and development system and must go further to understand and influence the incentives by which landowners will supply land to the market in a timely manner.

Recommendation

- The Productivity Commission's inquiry should examine options and solutions to ensure that residential developments will be brought to the market by developers in a timely manner. These could include:
 - Examining incentives provided for developers due to the way that development contributions and rates are charged;
 - Limiting the ability to stage subdivisions in a way that allows developers to sit on land and drip-feed it onto the market;
 - Significantly shorter timeframes from subdivision consent to s224c stage.

Definition of Development Capacity

58. Throughout the document there are various references to development capacity and to the term 'shovel-ready'. There remains significant uncertainty in how to define "development capacity". It would be helpful if this were clarified, particularly if this is to inform future targets or to establish measures of performance.
59. Various interpretations of "development capacity" include:
- Land that could have housing constructed on it ("shovel ready") without any further consenting requirement (i.e. all necessary consents under the RMA or building consent under the Building Act have been obtained by the developer);
 - Land that could have housing constructed on it, subject to requiring a building consent; or
 - Land that could have housing constructed on it, subject to completing the s224(c) requirements of a subdivision consent (e.g. the developer completes installation of local infrastructure ("shovel ready")) and obtaining building consent; or
 - Land that has all strategic infrastructure provided and all that remains is for a developer to obtain subdivision consent; or
 - Land for which strategic infrastructure has either been provided or is provided for within the Long Term Plan.
60. Councils don't control many parts of the process e.g. subdivision timing, developer land banking, whether a developer proceeds to 223/224c in a reasonable timeframe, whether the land is then released to the market and whether services (e.g. electricity) need to be in place. The supply of land is a separate matter from the good provisioning of it.
61. The Commission needs to recognise that councils currently have very limited powers to directly control the timing of final stages of the development process creating "shovel ready" capacity for building housing. Land may be zoned, strategic infrastructure capacity available, and subdivision consents granted, however the developer then controls the timing for what of their land is then released and when.

Recommendation:

- A clear definition of development capacity needs to be provided. This should take into account that Councils have little control over the timing of the final phases of development or ensuring land is brought to the market. HCC considers that a useful definition would be broken down into four categories to include:
 1. Land that is shovel-ready, which has all bulk/strategic infrastructure provided and all that remains is for a developer to obtain subdivision consent and provide local infrastructure;
 2. Land that has bulk/strategic infrastructure funded in years 1-3 of the LTP;
 3. Land that has bulk/strategic infrastructure funded in years 4-10 of the LTP;
 4. Land that does not have bulk/strategic infrastructure funded and for which private developer agreement/funding would be required.

Local Government Practices (Question 5)

62. One of the inputs being sought through the Issues Paper are good practice examples on which to base any recommendations to the Government. HCC has a number of examples where it has

been successful in ensuring that the supply of housing meets the projected demand. These are set out in the preceding sections but in summary include:

- HCC has invested strongly in strategic planning and funding growth infrastructure over its history and as such has a good supply of housing, with sufficient zoned land for around 40 years of supply and serviced land for at least 10 years;
- HCC has a growth strategy and a sub-regional growth strategy which set out the location and staging of growth for the next 30 – 50 years, providing certainty for the community, Council and developers;
- HCC has a prudent fiscal strategy to ensure that debt levels are contained;
- Housing in Hamilton is rated as affordable;
- HCC has introduced a Growth Funding Policy to enable developers to provide infrastructure ahead of the Long Term Plan timings in order that HCC's ability to debt fund infrastructure does not unduly restrict development;
- HCC provides a range of initiatives such as free pre-application meetings, free pre-design meetings, standard resource consent conditions, and capped resource consent deposits;
- The position of a 'Major Developments Case Leader' was established by HCC around three years ago. This person provides a 'one point of contact' within HCC for key development relationships and reports directly to the Senior Leadership Team;
- HCC has provided development contribution reductions for infill housing to encourage infill and intensification in the existing areas of the City;
- HCC ensures there is a structure plan in place before any greenfield development occurs in order to ensure development occurs in an integrated manner which provides certainty for the community, Council and the developer;
- HCC's policies provide flexibility for development of higher density housing in specific locations throughout the City.

Further Information

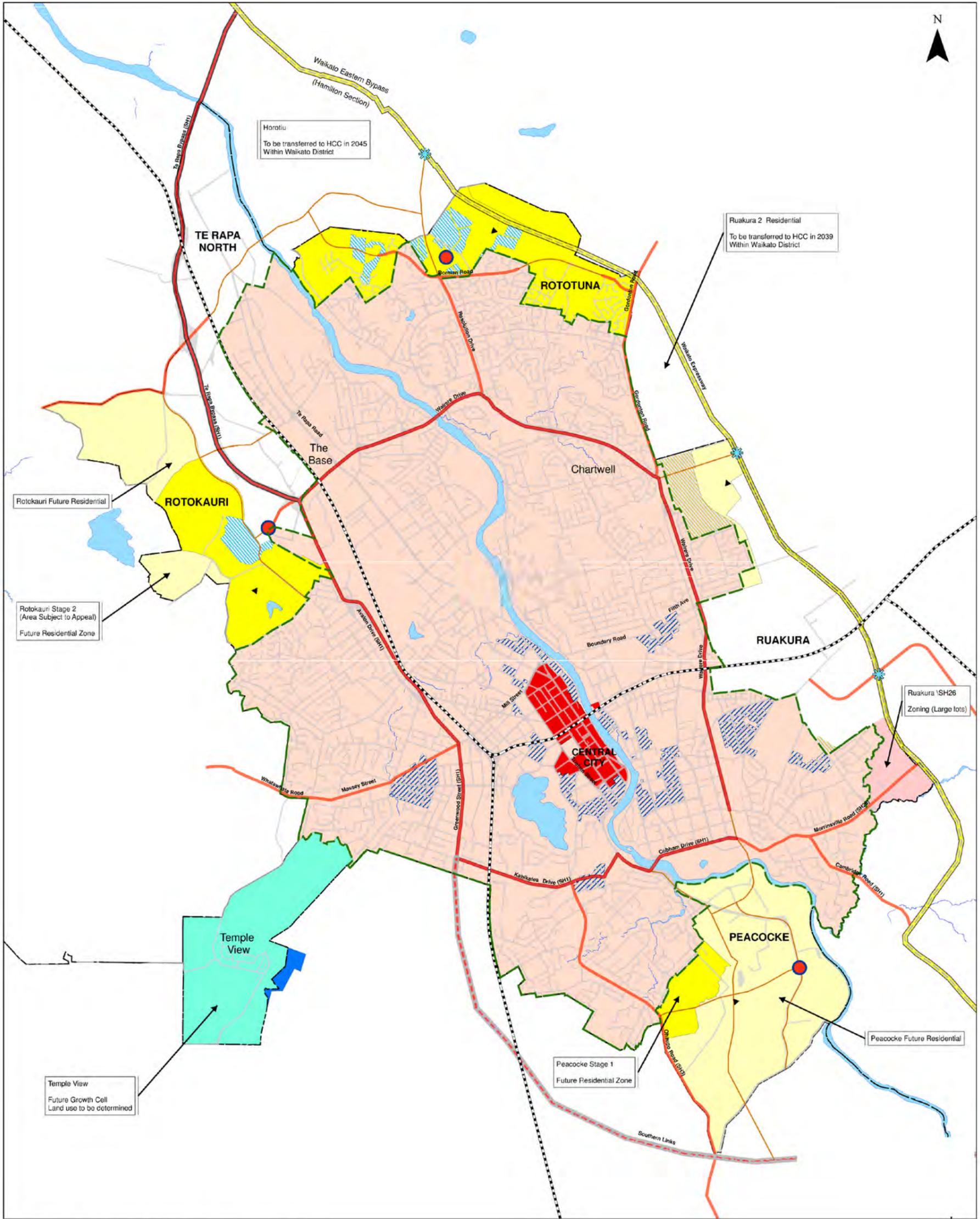
63. Should the New Zealand Productivity Commission require clarification of the points raised in this submission, or additional information, please contact Susan Henderson (Principal Planner, City Planning Unit) on 07 958 5901, email susan.henderson@hcc.govt.nz in the first instance.

Yours sincerely



Richard Briggs
CHIEF EXECUTIVE

Although this submission has been circulated to HCC's Elected Members for consideration and feedback, it has not been adopted through the formal committee process. HCC's submission is to be considered and adopted retrospectively at the 24 February 2015 Strategy and Policy Committee meeting. We will advise you after this meeting if HCC makes any changes to its submission.



Hamilton Residential Growth Map

As @ 15 December 2014

DISCLAIMER:

Data Qualifiers
 • For a comprehensive list of assumptions and definitions see D-1438603



Key	<ul style="list-style-type: none"> ● Proposed Suburban Centre Railway Network Waikato Expressway Interchange 	<ul style="list-style-type: none"> Waikato Expressway Te Rapa Bypass City Ring Road Southern Links Strategic Road Network Proposed Strategic Road Network Central City 	<ul style="list-style-type: none"> Central City Templeview Boundary Adjustment Future Growth Cell - Templeview Future Medium Density Residential Future Residential Medium Density Residential Residential Intensification Area Residential Infill Boundary
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D-1278304
 Date: 15 December 2014
 Version: 2.3

Document Path: V:\MXD\GFM Map Residential 20140721 V2.3.mxd

Committee: Strategy & Policy Committee **Date:** 24 February 2015

Report Name: Wairere Drive / Huntington Drive (west) intersection - petition for safety improvements **Author:** Robyn Denton

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Access Hamilton Strategy</i>
Financial status	<i>There is no budget allocated</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- The purpose of this report is to respond to a petition received regarding residents safety concerns at the intersection of Huntington Drive (west) with Wairere Drive in accordance with standing orders and to provide some information for Councilors about the matters raised.

3. Executive Summary

- A petition has been received from residents of Huntington requesting a safe right hand turn out of Huntington Drive (west) onto Wairere Drive.
- The Huntington area has developed with the main entry/exits onto Wairere Drive.
- Consideration will need to be given to the future development of one high standard intersection in conjunction with the future four laning of Wairere Drive, and the removal of any right turn movements from the remaining intersections.
- Prior to this full development, consideration could in the medium term be given to an interim arrangement consisting of a traffic signal installation within the existing 2 lane corridor, in conjunction with eliminating some of the right turn movements at other intersections, if the need arises.
- Staff believe that the focus of the medium and long term interim intersection upgrade should be the Huntington Drive (east) intersection but this would need to be confirmed through substantive further investigation and consultation. At this time staff do not consider that this is warranted.
- In the short term minor safety management measures identified in this report should be considered for 2015/16 as part of any discretionary transport programme. These short term improvements may also involve the removal of right turn movements at Wairere Drive (west) which will not meet the expectations set out in the petition. Further work including consultation is required however before this decision is made.

10. Recommendations from Management

That:

- a) the Report be received.
- b) staff be requested to consult further with the Huntington community in regard to minor safety management measures including those set out in this report for prioritization against other projects using 2015-16 Discretionary Transport funding.
- c) staff be requested to continue monitoring the safety performance of the intersection.
- d) the petition organisers be informed of the above decisions and advised that they will have the opportunity to make submissions to the 2015-25 10-Year Plan when it is consulted on commencing March 2015.

11. Attachments

12. Attachment 1 - Sample copy of petition from Huntington residents
13. Attachment 2 - Minor Safety Management Measures for Wairere Dr and Huntington Dr intersection

14. Background

15. Petition

16. A petition has been received from residents within Huntington seeking improvements to the intersection of Huntington Drive (west) with the intersection of Wairere Drive to enable safe right hand turns. A copy of the petition is included in this report as Attachment 1.
17. Standing orders (section 3.19) require a valid petition to be considered by the appropriate Committee, together with staff advice, within 60 days of receipt (or 2 meeting cycles). A valid petition in normal circumstances must amongst other things contain more than 100 signatures of residents of Hamilton City, all being on the Electoral Roll for Hamilton City and eligible to vote.
18. The petition was received on 20 November 2014 and this is the second meeting cycle of Strategy and Policy since receipt of the petition. The petition contains more than the required number of signatures and staff have deemed it to be valid.
19. Staff have met with the petition organizer since it was received and have been discussing the concerns and options with them.
20. The petition sets out residents concerns relating to their perception that the danger of the intersection has increased now that Huntington is fully developed and the flow of traffic along Wairere Drive is increasing. It also states that there have been numerous crashes at the intersection.
21. The petition also states that the residents want to retain the right turn exit from Huntington Drive (west) as this is the direction for access to key shopping and schooling facilities in the area.

22. Road Development

- 23. In 1996 a short section of Wairere Drive was constructed between Hukanui Road and Huntington Drive (west) to enable access to the Huntington subdivision. This was then extended through to Raungawari subdivision in 1999. These works were completed by the developers as the road was only serving as an access road into the development sites and Wairere Drive had no through traffic.
- 24. The extension of Wairere Drive to the east commenced in 2007 and progressively opened up sections of Wairere Drive past Huntington Drive east, with the final section through to and including the new Gordonton Road roundabout being completed in December 2010. At this time the first through traffic along this section started.
- 25. The section of Wairere Drive between Hukanui Road and Gordonton Road has five side roads along its length which vary from having full access to being just left-in, left-out. The topography and land use development prevented alternative access points being developed.
- 26. The Huntington area has around 700 properties, with the exit points being the two onto Wairere Drive and one via Darjon Drive onto Gordonton Road. Both Huntington Drive intersections currently have full access – with left and right turn lanes being provided. The following plans illustrate this:



Current layout of Wairere Drive and the side road accesses



Current layout of Wairere Drive and Huntington Drive (West) Intersection

27. Traffic Volume and Crash Data

28. The traffic volumes have continued to grow since that time in association with the ongoing extension of Wairere Drive through to Cambridge Rd.

Wairere Dr – Hukanui to Huntington	Traffic Volumes (vehicles per day (vpd))
2006	4,600
2007	4,900
2008	5,400
2009	5,600
2010	6,000
2011	7,000
2012	7,900
2013	10,200
2014	14,800

Table 1: Traffic volumes 2006 to 2014

29. The traffic volumes are predicted to continue to grow in the future as ongoing development occurs in the area including Ruakura Inland Port, Waikato Expressway and completion of Wairere Drive through to State Highway 1 (Cobham Drive). Modeling suggests the volumes will be around 17,800 vpd in 2021, growing to 21,900 vpd in 2041. As a comparison, Hukanui Rd (North of Crosby Rd) is currently carrying 17,700 vpd and Whitiara Bridge has 20,800 vpd travelling across it currently.
30. Wairere Drive is a major arterial for the city and has a speed limit of 80km/h for the majority of its length – with the limit dropping down to 60km/h south of Ruakura Road due to the tighter road corridor. The 80km/h speed limit in the Gordonton Road to Hukanui Road section is considered appropriate for the standard of road and the role that it plays in the Hamilton transport network.
31. A review of the official crash data for the intersection at Huntington Drive (west) since its opening shows:
- 2011: once crash (non injury)
 - 2012: one crash (serious injury)
 - 2013: three crashes (two minor injury, one non-injury)
 - 2014: two crashes (one minor injury, one non-injury)

This data is based upon reports completed by the NZ Police when they attend crashes. It is known that there will be a degree of unreporting for this site and many near misses that will not be reflected in these figures.

32. Based on the NZ Police data, the four injury crashes at the Huntington Drive (west) intersection all involved turning vehicles failing to give way and being hit by eastbound traffic on Wairere Drive. These crashes are summarized below:

Vehicle Movement	# of Crashes	Comment
Vehicles turning right <u>into</u> Huntington Drive (west) failing to give way and being hit by east bound traffic on Wairere Drive	One crash	Possibly high vegetation in central island (since removed)

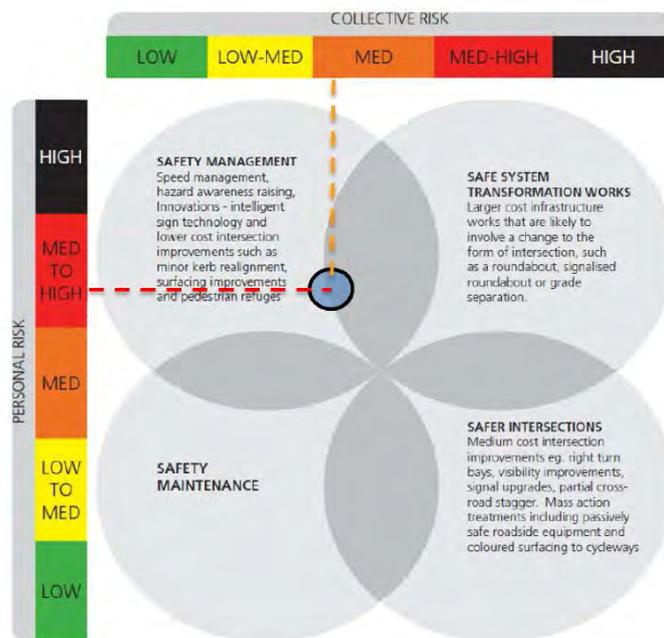
Vehicles turning right <u>out of</u> Huntington Drive (west) failing to give way and being hit by east bound traffic on Wairere Drive	Three crashes	One crash involved bus turning out. The other was at twilight. One had a vehicle approaching from the east in the left turn slip lane also. No obvious contributing factors.
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Table 2: Injury Crashes for the intersection at Huntington Drive (west) based on NZ Police data

33. This intersection has twice as many injury crashes as would be expected when compared to national averages for an intersection of this nature and traffic volumes, but this does not necessarily mean that major work is immediately required.

34. Crash Analysis

35. The High Risk Intersection Guide is a national document that was launched by the NZ Transport Agency in mid 2013 to provide national consistency regarding the identification of high risk intersections and application of proven countermeasures. It provides guidance on the scale/type of intervention that should be considered for any intersection with an injury crash history and takes into consideration the Personal and Collective Risk. For the Huntington Drive (west) intersection ‘safety management’ (low cost improvements) are indicated.



High Risk intersection guide- Huntington Drive (west) intersection.

36. Staff are monitoring a number of city intersections using the approach set out in the High Risk Intersection guide and this intersection does not have the highest priority. The following are the top 10 intersections that were identified in 2013.

Ranking	Intersection Location	Scale of Intervention recommended	Comment
1	Victoria / Edgecumbe	Transformation	Included in 2014/15 Discretionary Transport Programme
2	Tristram / Rostrevor	Safety Management / Transformation	Monitoring post reinstatement to full standard.
3	Killarney / Queens	Safety Management / Transformation	Included in 2014/15 Discretionary Transport Programme

4	Gordonton / Thomas	Transformation	Included in the draft 10 year plan programme
5	Lake / Queens	Safety Management / Transformation	Included in 2014/15 Discretionary Transport Programme
6	Old Farm / Dey	Safety Management	No longer an intersection – severed by Wairere Drive
7	Forest Lake / Walsh	Safety Management / Transformation	Monitoring
8	Victoria / Knox	Safety Management / Transformation	Monitoring
9	Mill / Willoughby	Transformation	Monitoring
10	Bridge / Memorial	Transformation	Monitoring

37. The Huntington Drive (east) intersection has the same layout as the western intersection, but has had a lesser number of crashes reported (3) which have all been non-injury crashes. The intersection is performing better than expected for an intersection of its nature and location and is not considered a high risk intersection due to the lack of reported injury crashes.

38. Options for Huntington Drive (west) intersection

39. Option 1 - Safety Management Measures: Low Cost

40. There are a number of short term/minor improvements that can be considered for this intersection ranging from replacing the Give Way sign with a Stop Sign through to changes to the left turn slip lane. The costs vary from \$1,000 to \$50,000 and could be completed using Discretionary Transport funding.
41. These improvements are expected to have only a low to medium effectiveness in regard to the safety concerns and will not improve the level of service in terms of delays imposed waiting for a safer gap to make the right turn out of Huntington Drive. Details of these options are set out in Attachment 2 to this report.
42. The more effective safety management measure, given that all crashes involve right turn movements, is to prevent right turns and make the intersection left turn in, left turn out only. Careful consideration would be required in regard to the effects on the Raungawari Drive and Huntington Drive (east) intersections.

43. Option 2 - Interim Intersection Improvement: Medium Cost

44. The installation of traffic signals at one of the Huntington Drive intersections could also be considered as an interim solution. The traffic signals would create delays on Wairere Drive and affect its function as an arterial route, but would ensure that vehicles existing or entering into Huntington Drive have a higher level of service and safety.
45. Staff would not recommend this treatment for the Huntington Drive (west) intersection however, and consider that it would be desirable to have any intersection control such as this at the Huntington Drive (east) intersection as this is a more central location between the two major intersections (Gordonton and Hukanui roundabouts), and would be the desirable location for any long term improvements also.
46. Installation of traffic signals within the current road layout (ie single lane in each direction) is estimated to cost in the order of \$500,000. This is beyond the scope of the NZTA Minor Improvements work category which from 2015/16 will consider safety improvements up to a value of \$300,000 per site.
47. Staff consider that it would be unlikely to attract an NZTA subsidy for the works as its priority would not be high enough when considered against other national and local priorities.

48. If Council were to consider this option it would need to be considered for inclusion in the 2015-25 10-Year Plan as a project funded by Council.

49. Option 3 - Route Improvement: High Cost

50. As a major arterial, the number of intersections along Wairere Drive needs to be limited in order to ensure that the route can operate efficiently and safely in the longer term.

51. At some point in the future it is expected that traffic volumes will require Wairere Drive to be widened to four lanes. The draft 30 year Infrastructure Plan has an indicative funding programme for the four laning of Wairere Drive and a large scale intersection improvement at one of the Huntington Drive exits in years 2035 – 2040.

52. In conjunction with the widening and major intersection improvement it is likely that most of the side roads between Hukanui Drive and Gordonton Road will become left-in, left-out, with the exception of one Huntington Drive entry/exit. If there is a set of interim traffic signals installed at one of the Huntington Drive intersections prior to four laning (as per Option 2 above) , it is expected that the delays/bottle neck caused by the signals could require the four laning to need to be brought forward by up to 10 years.

53. The form and location of such a full access intersection (e.g. traffic signals or a roundabout) would be determined by traffic modeling while considering constructability and the emphasis placed on facilitating other modes such as pedestrians and cyclists.

54. Financial and Resourcing Implications

55. Funding for Option 1 safety management measures could be made available from the Discretionary Transport programme for 2015/2016 depending on decisions made for the 2015-25 10-Year Plan relating to this programme. Subsidy is available for projects of a safety nature which cost less than \$300,000.

56. Funding for any larger improvements to this intersection and/or section of Wairere Drive (options 2 or 3) will require specific funding and would have to be considered in the 2015-25 10-Year Plan process or subsequent annual Plans.

57. Risk

58. There is a risk that the number of crashes at this location may increase in the short to medium term however monitoring of crash statistics is undertaken on an annual basis to identify increasing trends.

Signatory

Authoriser	Chris Allen, General Manager City Infrastructure Group
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Petition November 2014

We the residents of Huntington petition the Hamilton City Council to improve the design of the intersection of Huntington Drive west and Wairere Drive, in order to allow safe right turning access of vehicles from Huntington Drive west onto Wairere Drive towards major shopping centres and main schools.

Name	Address	Signature
Tom Hartley	18 Keswick Crescent	J. Hartley
Marian Hartley	18 Keswick Crescent	M. Hartley
Mark Paris	27 Keswick Crescent	Mark Paris
Sustin Walker	29 Keswick Crescent	Sustin Walker
Amanda Walker	29 KESWICK CRESCENT	Amanda Walker
ANNE DOUGLAS	29 KESWICK CRESCENT	Anne Douglas
Damon Flynn	29 Keswick Crescent	Damon Flynn
Julie Thornton	Keswick Crescent	Julie Thornton
Tony Th...	Crescent	Tony Th...
Steve F.	est	Steve F.
Rob N.	ent	Rob N.
Ruth N.	ent	Ruth N.
Robin D.	ent	Robin D.
Louise L.	ent	Louise L.
Kelly Johnston	ent	Kelly Johnston
Ernst M.	ent	Ernst M.
Jim Lancaster	25 Keswick Cres.	Jim Lancaster
Kathryn Lancaster	25 Keswick Cres.	Kathryn Lancaster
DAVE CAMPBELL	20 KESWICK CRESCENT	Dave Campbell
Maria Graham Campbell	20 Keswick Crescent	Maria Graham Campbell

Sample Only*
Total of 507
signatures
submitted.

Minor Safety Management Measures for Intersection of Wairere Drive and Huntington Drive (west)

Treatment	Cost indication	Expected Effectiveness	Comment
'Stop' control	\$1k	Low	It is generally accepted that the form of control (give way vs stop) does not have much of an effect on how drivers negotiate an intersection; however it may raise awareness and encourage more vehicles to stop.
Remove the left turn in slip lane	\$20k - \$40k	Low-Medium	All injury crashes involved an eastbound vehicle on Wairere Drive, although only one noted a left turning vehicle present at the time. Removal of the left turn lane may prevent some crashes and assist in slowing eastbound traffic. This in turn could increase the potential for rear end type crashes and has minor efficiency drawbacks for traffic on Wairere Drive.
Move slip lane further back	\$30 - \$50k	Low-Medium	Moving the slip lane further into the berm and development of a median island between it and the through lane may prevent some crashes without the drawback of potential rear end crashes or affecting efficiency. This would allow drivers exiting Huntington Drive to see past left turning vehicles. An existing service chamber on the corner may add cost to this option.
Left-in left-out	\$10k (Huntington Drive west only). \$30k (all intersections)	Low-Medium	Making Huntington Drive west left-in left-out would relocate all right turn out movements to the east intersection. Some crashes are likely to migrate accordingly, but since the left turn in movement will remain at the west intersection the same benefits as removing the left turn in lane would also apply. This treatment could result in unsafe U-turns at Raungawari Drive and is therefore not recommended as a stand alone solution – all intersections along the route would need to be treated.
High friction surfacing	\$10k	Low-Medium	Providing a section of high-friction surfacing on the Wairere Drive (eastbound) approach to the intersection is likely to raise awareness of the intersection and assist in stopping distances.
Active signage	\$20k	Low	Active signage is not considered appropriate given that it is predominantly a speed management tool, whereas speed does not appear to be an issue in the crash history at this site. Furthermore the site is unlikely to qualify given the volumes.

Committee: Strategy & Policy Committee **Date:** 24 February 2015
Report Name: Traffic Bylaw 2015 **Author:** Liz Hallsworth
 Deliberation and Adoption
 Report

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>This item affects the Access Hamilton Transport Strategy.</i>
Financial status	<i>The review of bylaws is covered within current budgets</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To provide an overview of submissions received in relation to the proposed Hamilton Traffic Bylaw 2015, to receive Councillors direction on issues raised during consultation, and then to adopt the Hamilton Traffic Bylaw 2015.

3. Executive Summary

- The Hamilton Traffic Bylaw 2012 (Amended) has been reviewed and the draft Hamilton Traffic Bylaw 2014 was adopted for consultation at the [25 September 2014 Ordinary Council meeting](#).
- The majority of submissions supported the proposed changes to the bylaw.
- The proposed changes to the Garden Place Pedestrian Mall and any consequent changes to the Shared Zone registers are covered in a separate report. The staff recommendations from that report have been incorporated as a recommended change to the proposed registers in section 34 of this report.
- Staff recommend only minor changes to the proposed bylaw. Some issues raised by submitters are best dealt with through future review of signage and parking restrictions.

8. Recommendations from Management – *Recommendation to Council*

That:

- a) the Report be received
- b) Council determine that the Hamilton Traffic Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990
- c) Council accept the recommended changes to the Hamilton Traffic Bylaw 2015 as shown in Attachment 3 and that the Hamilton Traffic Bylaw be adopted and come into force on 5 March 2015
- d) Council adopts the Registers as shown in Attachment 4 and that they come into force on 5 March 2015.
- e) the Hamilton City Traffic Bylaw 2012 (Amended) be revoked on 5 March 2015.

9. Attachments

10. Attachment 1 - Traffic Bylaw Hearings Subcommittee Hearings - Chairpersons Report
11. Attachment 2 - Proposed Hamilton Traffic Bylaw 2015 - Submissions Analysis Report
12. Attachment 3 - Hamilton Traffic Bylaw 2015- With tracked changes.
13. Attachment 4 - Hamilton Traffic Registers

14. Background

15. At the 3 September 2014 [Strategy and Policy Committee, Item 15](#), and subsequent Council meeting, the Statement of Proposal for the Draft Traffic Bylaw 2014 was adopted to go out for consultation. Council also resolved to consult on the Statement of Proposal for Garden Place Pedestrian Mall in parallel with the Traffic Bylaw. The outcome of the consultation in regard to Garden Place Pedestrian Mall is covered in a separate deliberation and declaration report to this meeting.
16. The Committee also resolved to establish a new subcommittee to consider and approve traffic bylaw recommendations and the delegations policy be altered to reflect the role and responsibilities of the new subcommittee, with the membership and terms of reference to be confirmed at the subsequent Council meeting. This was aligned with one of the proposed changes in the bylaw to allow information currently contained within the bylaw schedules to be kept in separate registers that could be more simply updated by resolution rather than requiring a full bylaw review process.
17. The 25 September 2014 Council meeting resolved to have these additional responsibilities delegated to the existing Hearings Subcommittee. The terms of reference for the Hearings Subcommittee have now been changed to enable them to consider changes to the Traffic Bylaw registers and Parking restrictions.
18. At the [15 October 2014 Strategy and Policy Committee, Item 8](#) it was resolved that a Traffic Bylaw Hearing Subcommittee be established and delegated to hear the oral submissions for the Proposed Hamilton Traffic Bylaw 2014 (including the proposed alteration to the Garden Place Pedestrian Mall Declaration). Councillor Tooman was appointed chair of this subcommittee. The subcommittee was to be disestablished following the completion of the

hearing of submissions in regard to the proposed Traffic Bylaw 2015 (including the proposed alteration to the Garden Place Pedestrian Mall Declaration).

19. The Local Government Act 2002 (LGA) states that only full Council is allowed to review, make and revoke bylaws. To meet the requirements of the LGA:
 - The role of the Traffic Bylaw Hearing Subcommittee was to hear oral submissions to the proposed bylaw and alteration, and report what was heard to the Strategy and Policy Committee.
 - The role of the Strategy and Policy Committee is to deliberate on both the oral and written submissions received and recommend a bylaw for adoption by full Council.
20. A total of 9 submissions were received regarding the Traffic Bylaw, with 1 submitter wishing to be heard at the hearings held on 26 November 2014. The [Traffic Bylaw 2014 Hearings Report, Item 4, to the Traffic Bylaw Subcommittee](#) provides a summary of submissions.
21. A report from Councillor Tooman, as chair of the subcommittee, setting out a summary of the oral submissions and evidence is included as Attachment 1 – Traffic Bylaw Hearing Subcommittee Hearing – Chairpersons Report. Full minutes of the subcommittee can be read [online](#).
22. Of the submissions:
 - 5 submitters (56%) *supported* a proposed amendment to the bylaw,
 - 1 submitter (11%) *did not support* a proposed amendment to the bylaw (specifically the alterations to the Pedestrian Mall),
 - 3 submitters (33%) were silent on the proposed changes but suggested other areas where they would like to see improvements.
23. The full submissions can be viewed at <http://www.hamilton.govt.nz/consultation>
24. This report is prepared and should be read in two parts
 - Part 1 - Deliberations – Issues and options.
 - Part 2 – Decisions- Staff recommendations for adoption.
- 25. Part 1. Deliberations – Issues and Options**
26. This section identifies issues raised by submitters discussed in Attachment 2, and recommended responses from staff for Council deliberation.
27. Below are the areas of the proposed bylaw that were supported by submissions and staff therefore recommend no change to the proposed bylaw as set out in the Statement of Proposal:
 - Schedules moving to registers
 - Clause 4.10 allowing parking on berms if they are designed and signed to allow parking
 - Including newly proposed roads for engine braking prohibitions in the Heavy Traffic Prohibitions Register
 - Updating registers to include current on road changes under the current bylaw clauses - including 50MAX and HMPV regulations (Heavy Traffic Prohibitions Register).
28. A number of submitters noted other changes that could be made to the proposed bylaw.

POTENTIAL ADDITIONAL CHANGES TO THE PROPOSED BYLAW	
Changes	Staff comments and recommendations
Council should explore other streets as shared zones in particular Hood Street on Thursday, Friday and Saturday nights - Shared Zone Register.	This would need to be considered as part of the Central City Transformation Plan and are out of scope for this current Traffic Bylaw review. Staff recommend no change to the bylaw.
Concern that the terminology used ('engine braking') in the bylaw creates loopholes in relation to other types of braking including 'jake brakes'	'Engine Braking' is the generic term used to cover all forms of braking that creates noise and is well understood by the trucking industry, NZTA and NZ Police. Staff recommend adding definition of Engine Brakes to the bylaw for further clarity.
Concern about the location of signage relating to Through Trucks and Engine Braking not being useful and in the best location	Submitter's points are noted and will be included in a review of signage for Through Trucks and Engine Braking. Staff recommend no change to the bylaw.
Improve the Mill/Seddon Road intersection. Vehicles ignore the no right turn signs (Turning Restrictions Register)	The signage at this location is very clear. A review of crash data indicates that there is not a crash problem at this site. Staff recommend no change to the bylaw.
Update the clauses on parking places so they don't capture reserves and parks that are not intended to be parked on (Section 4)	Staff agree these clauses could be clearer. Staff recommend insertion of new clause in section 4.

29. Clarifications and corrections

30. Staff have noted that the following corrections are required:

- The title of the bylaw be updated to 2015
- Correct the typing error in the definition of Self Contained Vehicle
- Remove double up in clause 5.2 – Staff recommend that the double up be removed and the numbering in the rest of clause 5 be corrected as a result
- Lack of clarity as to which Act each clause is made and enforced under – Staff recommend that a table be inserted at the end of the bylaw that clarifies the enforcement of each clause.
- Lack of clarity in the Freedom Camping on Roads Register, Refer to clause in Bylaw prior to the map.

31. Part 2. Decision – Staff recommendations for adoption

32. Following the review of submissions made during the consultation period staff recommend that the following changes (shown as tracked changes in Attachments 3 and 4) are made to the bylaw as adopted for consultation;

- The title of the bylaw be changed to the Hamilton Traffic Bylaw 2015
- Replace the word "meat" with "meet" in the definition of 'Self Contained Vehicle'.

33. Definition of Engine Brakes be inserted and read:

"Means a device or feature of an engine to increase, when applied, the retardation force provided by the engine that can be utilised to control the speed of the vehicle."

- 34. Clause 4.11 be inserted and read:
 “No person shall stop, stand or park a vehicle on any reserve unless:
 - a) It is within an area set aside for parking and the parking is associated with the use of the reserve; or
 - b) The person has received prior approval from the Council.”
- 35. The double up of Clause 5.2 be removed and the numbering for the rest of this section be updated.
- 36. Amend the Pedestrian Mall Register and Shared Zone Register (Attachment 4) as set out in the Statement of Proposal to reflect no change to the boundaries of the Garden Place Pedestrian Mall and the Shared Zone as set out in the Proposed Alteration to Garden Place Pedestrian Mall Deliberation and Declaration report previously considered at this meeting.
- 37. Amend the Freedom Camping on Roads Register by inserting “No person shall freedom camp in Civic Plaza and Garden Place, as set out in the map below:” above the map.
- 38. **Legal requirements**
- 39. The Local Government Act 2002 requires that Council determine that a bylaw does not give rise to implications under the New Zealand Bill of Rights Act 1990.
- 40. Staff have reviewed the proposed bylaw and recommend that it does not give rise to implications under the New Zealand Bill of Rights Act 1990.
- 41. Financial and Resourcing Implications**
- 42. Enforcement of the bylaw is covered under current budgets. No extra budget is required for education or communication of the bylaw.
- 43. Risk**
- 44. Staff recommendations are minor and are within the delegated powers held by Council under the Local Government Act 2002 and the Land Transport Act 1998. As such there is no risk identified with these recommendations.

Signatory

Authoriser	Chris Allen, General Manager City Infrastructure Group
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Committee: Strategy and Policy Committee **Date:** 24 February 2015
Report Name: Traffic Bylaw Hearings **Author:** Leo Tooman
 Subcommittee Chairpersons
 Report

Report Status	<i>Open</i>
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1. The purpose of this report is to provide a full and thorough statement of what took place during the hearings held on 26 November 2014;
 - the Traffic Bylaw 2014 and
 - the Proposed Alteration to the Garden Place Pedestrian Mall (proposed alteration).
2. One submitter wished to be heard in relation to the bylaw, and five submitters wished to speak regarding the proposed alteration.
3. The hearings were held consecutively, with the submitter who spoke to the bylaw speaking only to the aspects that affect the proposed alteration.
4. Recordings of the hearings can be found on the FTP site under HCC/2014/Strategy & Policy Committee/Traffic Bylaw Hearing Subcommittee. Full minutes are available [here](#).
5. Key points raised by submitters were as follows:
 - Garden Place and the shared zone are well utilised by pedestrians but submitters felt the safety for pedestrians could be improved.
 - Submitters outlined that allowing any parking in the shared zone / Garden Place Pedestrian Mall interface will lead to an increased risk for many users, especially the vision impaired, those in wheelchairs and children who won't be seen by people driving vehicles.
 - Allowing parking would change the emphasis of the shared zone from an area where pedestrians are at the top of the hierarchy (as designated under the Land Transport (Road User) Rule 2004) to one that mimics a normal road where vehicles have right of way.
 - The delineations paving is supposed to act as a pseudo kerbline for the visually impaired. Currently the delineation paving guides those partially sighted directly through the area where cars would be parked. As such it is extremely dangerous.
 - The Blind Foundation offered to help with improving the design of the shared zone to make it safer for the visually impaired.
 - One submitter outlined that the current illegally parked cars in the area next to the shared zone are causing issues for Garden Place residents trying to access their right of way by parking across the bollards. Parking could work in the adjacent area but needs to be strictly enforced.
6. Key questions asked by the subcommittee to submitters were:
 - Is the shared zone as safe as they are in other places in around the world?
 Submitters felt it takes time for people to change their habits, and that some people are still using that space as if it were a normal road. While people are still adjusting to how to use a shared zone safely we need to keep all of our community safe.

- Does having cars parked in the shared zone change the user hierarchy of the space? Submitters felt that it does, as it takes the whole of Garden Place from a nice pedestrian haven to be enjoyed by all, and makes it more focused on being a drop off zone/ pick up area for vehicles.
 - Are there any examples in New Zealand which Hamilton City Council could use for the design of the shared space?
The submitter advised to consider the shared space around Federal Street in Auckland as it was designed with the input of the Blind Foundation.
 - Have you found as a visually impaired person that it is hard to use the shared space when vehicles are travelling through it?
Submitters that were asked said yes, but it is even more difficult when vehicles are reversing, as they are very quiet and you can't tell which direction the sound is coming from. This makes it hard to keep safe around parking / reversing vehicles.
7. Staff will report back to the Strategy and Policy Committee on 24 February 2015.

Proposed Hamilton Traffic Bylaw 2014 - Submissions Analysis Report

Attachment 2

Submitter: 001		
Submitter Comments	Staff Comment	Staff Recommendation
Enforcement of bylaws needs to be consistent. Example provided of the clearways in Anglesea St being treated differently, with some receiving a lot of enforcement effort and others receiving none.	This issue sits outside the drafting of the Bylaw.	Retain the content of the Bylaw and Registers as set out in the Statement of Proposal.

Submitter: 002		
Submitter Comments	Staff Comment	Staff Recommendation
Disagree with the proposed change to Garden Place Mall boundary adjacent to the Shared Zone as it will decrease safety for many disabled people – especially those with limited vision and/or those who use wheeled mobility aids.	Refer to the Garden Place Pedestrian Mall Deliberation and Declaration Report.	Amend the Pedestrian Mall Register and Shared Zone Register as set out in the Statement of Proposal to reflect no change to the boundaries of the Garden Place Pedestrian Mall and the Shared Zone.
Oppose parking of vehicles in the Shared Zone.	Refer to the Garden Place Pedestrian Mall Deliberation and Declaration Report.	
Support the change from schedules to registers.	Noted	Retain the remaining content of the Bylaw and Registers as set out in the Statement of Proposal.

Submitter: 003		
Submitter Comments	Staff Comment	Staff Recommendation
<p>Would like to have a Shared Zone established in Hood Street between Alexandra St and Victoria St to create an environment where people are more confident and therefore more likely to utilise the area.</p> <p>Would like Council to explore the opportunities to close roads to vehicles or create more Shared Zones throughout the city to encourage pedestrian movements.</p>	<p>Noted – will have to be considered as part of the Central City Transformation Plan. Beyond the scope of this current review of the Traffic Bylaw. Introduction of an future Shared Zones will be able to be undertaken by Council resolution as they are implemented.</p>	<p>Retain the content of the Bylaw and Registers as set out in the Statement of Proposal.</p>

Submitter: 004		
Submitter Comments	Staff Comment	Staff Recommendation
<p>Supports the engine braking restrictions on local roads and state highways.</p> <p>Is concerned that the terminology used ('engine braking') in the bylaw creates loopholes in relation to other types of braking including 'jake brakes'.</p> <p>Would like to understand who is enforcing the engine braking restrictions and are they mandatory.</p> <p>Is concerned about the location of signage relating to Through Trucks and Engine Braking not being useful and in the best location.</p>	<p>Noted</p> <p>'Engine Braking' is the generic term used to cover all forms of braking that creates noise.</p> <p>NZTA and the NZ Police are currently trialling a Noise Camera in Tauranga along with a campaign called 'Brake the Habit'. The results of the trial will be used to inform future rollout of this technology.</p> <p>NZ Police enforce the engine braking restrictions.</p> <p>Noted and will be included in a review of signage throughout the city.</p>	<p>Insert Land Transport Rule definition of Engine Break into bylaw for clarity.</p>

Proposed Hamilton Traffic Bylaw 2014 - Submissions Analysis Report

Attachment 2

Submitter: 005		
Submitter Comments	Staff Comment	Staff Recommendation
<p>Supports Option B (the preferred option) in relation to the Parking on Berms.</p> <p>Would like to see stricter enforcement in relation to parking on footpaths which often occurs around sports grounds and results in pedestrians having to walk on the road.</p>	<p>Noted.</p> <p>Enforcement of parking is undertaken by the Parking Enforcement team in response to any requests of this nature.</p>	<p>Retain the content of the Bylaw and Registers as set out in the Statement of Proposal.</p>
Submitter: 006		
Submitter Comments	Staff Comment	Staff Recommendation
<p>Supports allowing parking on Council maintained grass verges or those maintained by the sports ground concerned.</p> <p>Is not happy with the amount of rubbish and mess left after rugby games.</p> <p>Seeks clarification in regard to parking on footpaths – which they believe should be banned.</p> <p>Is concerned about the illegal right turns that currently occur out of Seddon Rd onto Mill St.</p>	<p>Noted</p> <p>Event holder should be ensuring the area is cleaned up.</p> <p>Driving on footpaths (and therefore parking) is prohibited under Section 2.13 of the Land Transport (Road User) Rule 2004.</p> <p>The signage at this location is very clear. A review of crash data indicates that there is not a crash problem at this site.</p>	<p>Retain the content of the Bylaw and Registers as set out in the Statement of Proposal.</p>
Submitter: 007		
Submitter Comments	Staff Comment	Staff Recommendation
<p>Supports parking on berms – as long as the area for parking has been appropriately constructed and signed. Requests</p>	<p>Noted</p>	<p>Retain the content of the Bylaw and Registers as set out in the Statement of</p>

consultation be undertaken for any State Highway sites prior to any changes to current status.		Proposal.
Supports the changes to the schedules that have been proposed to reflect the current on-road changes.	Noted	
Supports the additional sites included in the Engine Braking Restrictions.	Noted	

Submitter: 008		
Submitter Comments	Staff Comment	Staff Recommendation
Submission withdrawn.	n/a	n/a

Submitter: 009		
Submitter Comments	Staff Comment	Staff Recommendation
Supports the proposed changes from schedules to registers – and in particular the consultation proposed for the registers.	Noted	Retain the content of the Bylaw and Registers as set out in the Statement of Proposal.

Submitter: 010		
Submitter Comments	Staff Comment	Staff Recommendation
Opportunity to clarify some clauses in the bylaw relating to parking to ensure that they don't capture Reserves and Parks unless that part of the Reserve or Park is a designated carpark.	Agree and propose to amend sections 4 of the proposed bylaw to clarify.	Clauses in sections 4 be altered to clarify the parking in Reserves and Parks.
There is a double up with clause 5.2 in the draft Traffic Bylaw.	Agree and propose to delete the double up and renumber subsequent clauses appropriately	Remove the doubled up clause (5.2) and renumber the remaining clauses in section 5 appropriately.

**Hamilton City Council
BYLAWS**



Approved By:	Date Adopted:
Date In Force: 5 March 2015	Review Date: 5 March 2020
Date Amended:	Amendments recorded:
Date in force:	

The Hamilton Traffic Bylaw 2015

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Hamilton City Council BYLAWS



This Bylaw repeals the Hamilton City Traffic Bylaw 2012 (Amended).

1. GENERAL

1.1. This Bylaw is made under the Local Government Act 1974, the Local Government Act 2002, the Land Transport Act 1998 and Freedom Camping Act 2011.

1.2. Purpose

The purposes of this Bylaw are to protect the public from nuisance and protect, promote, and maintain public health and safety. This is through setting the requirements for parking, establishing standards for activities within the road reserve and general control of vehicular or other traffic.

1.3. Scope

This bylaw covers Garden Place, Civic Plaza, Frankton, transport stations and any road in Hamilton City Council's district including State Highways controlled by New Zealand Transport Agency.

2. DEFINITIONS

For the purposes of this Bylaw the following definitions shall apply:

Approved disabled person's parking permit	Has the same meaning as the Land Transport (Road User) Rule 2004
Boat	Includes jet skis and other water borne vessels.
Bus	Means a bus as defined in the Land Transport (Road User) Rule 2004.
Bus Lane	Means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of: <ul style="list-style-type: none"> a) buses; and b) cycles, mopeds, and motorcycles (unless one or more are specifically excluded by the sign).
Chief Executive.	means the Chief Executive of Hamilton City Council
City	Means Hamilton City
Class of Vehicle	Means groupings of vehicles defined by reference to any common feature and includes- <ul style="list-style-type: none"> a) vehicles by type, description, weight, size or dimension; b) vehicles carrying specified classes of load by the mass, size or nature of such loads; c) vehicles carrying no fewer or less than a specified number of occupants; d) vehicles used for specified purposes; e) vehicles driven by specified classes of persons; f) carpool and shared vehicle; and g) vehicles displaying a permit authorised by Hamilton City Council
Cruising	Means driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that- <ul style="list-style-type: none"> a) draws attention to the power or sound of the engine of the motor vehicle being driven; or b) creates a convoy that-

Hamilton City Council BYLAWS



	<ul style="list-style-type: none"> i. is formed otherwise than in trade; and ii. impedes traffic flow.
Council	The Hamilton City Council or any officer authorised to exercise the authority of the Council.
Cycle	Means a vehicle that has at least 2 wheels and that is designed primarily to be propelled by the muscular energy of the rider; and includes a power-assisted cycle.
Cycle Lane	Means a longitudinal strip within a roadway reserved by marking or sign for the use of cycles.
Cycle Path	Means part of the road that, defined by signs or markings and is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians; and <ul style="list-style-type: none"> a) includes a cycle track formed under section 332 of the Local Government Act 1974 b) are included in Cycle Path Register
Designated	Means specified by Council by resolution.
Emergency Vehicle	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Enactment	Has the same meaning as section 29 of the Interpretation Act 1999.
Enforcement Officer	Means; <ul style="list-style-type: none"> a) any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority including a Parking Warden appointed by the Council under the provisions of the Land Transport Act 1998, b) and includes Police Officers.
Engine Brakes	Means a device or feature of an engine to increase, when applied, the retardation force provided by the engine that can be utilised to control the speed of the vehicle.
Freight Container	Is an article of transport equipment that is: Of a permanent character and strong enough to be suitable for repeated use; Specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading; and Designed to be secured and readily handled having fittings for these purposes.
Freedom Camping	Has the same meaning as the Freedom Camping Act 2011.
Footpath	Means a path or way principally designed for, and used by, pedestrians; and includes a footbridge
Goods Vehicle	Means a motor vehicle that is: <ul style="list-style-type: none"> a) designed exclusively or principally for the carriage of goods; or b) used for the collection or delivery of goods in the course of trade.
Heavy Motor Vehicle	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Launching Ramp	Means a place described in Schedule B of this Bylaw.
Metered	Means any road or portion of a road or any area of land or any building

Hamilton City Council

BYLAWS



Area/Place	owned or controlled by the Council which is designated as a parking place or space and requires a prescribed fee or rental charge for a limited time.
Mobility Device	Has the same meaning as the Land Transport (Road User Rule) 2004. A Mobility device must be used in accordance with section 11.1 Use of Footpath and Roadway, Land Transport (Road User Rule) 2004.
Mobility Parking Space	Means a parking place set aside under 6.3 of this Bylaw for use by people who hold an approved disabled person's parking permit.
Motor vehicle	means a vehicle drawn or propelled by mechanical power; and includes a trailer; but <u>does not include</u> - <ul style="list-style-type: none"> a) a vehicle running on rails; or b) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or c) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or d) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or e) a pedestrian-controlled machine; or f) a vehicle that the Agency has declared under section 168A of the Act is not a motor vehicle; or g) a mobility device.
Off-street Parking Place	means a Parking Place situated on property owned by Council which is not road reserve.
Network Utility Operator	Has the same meaning given to it by section 166 of the Resource Management Act 1999.
On-Street Parking Place	means a Parking Place situated within a road or road reserve
Parking Machine	Means a parking meter, multi space parking meter, pay and display parking meter or other device or system that is used to collect payment in exchange for a vehicle in a particular place for a limited time.
Parking Place	Means a place (including a building) where vehicles, or any class of vehicles may stop, stand or park.
Parking Warden	Means a parking warden appointed under section 128D of the Land Transport Act 1998.
Passenger Service Vehicle	Has the same meaning as section 2(1) of the Land Transport Act 1998.
Pedestrian Mall	Means a road or part of a road specified by the council where the driving, riding or parking of vehicles or the riding of animals is prohibited either generally or during particular hours. A pedestrian mall only has legal status if it has been declared as stated in section 336 of the Local Government Act 1974.

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Person	Includes a natural person, corporation sole and body of persons whether incorporated or unincorporated.
Public Work	Has the same meaning as section 2 of the Public Works Act 1981.
Resident	For any particular road subject to a Residents' Parking Scheme under this Bylaw, means a person who resides in a dwelling, apartment or other building which has its only or principal access to that particular road or which has such access in the vicinity of that road.
Residents' Exemption Permit	Means a permit granted by the Council to eligible residents exempting the permit holder from any time restrictions imposed on any place or area subject to parking restrictions.
Residents Only Permit	Means a permit granted by the Council to eligible residents authorising the permit holder to park in designated Residents' Only parking places specified in the permit.
Residents' Parking Permit	Means the provision by the Council of parking places for residents under clause 11 of this Bylaw which may be used in conjunction with any other parking or loading restrictions that apply outside the hours of operation of the Residents' Parking Scheme.
Road	Means a road as defined in s315 Local Government Act 1974, and includes any street, motorway, beach, place to which the public have access, whether as of right or not; any bridge, culvert, ferry, ford forming part of a road or street or motorway or a place to which the public have access, whether as of right or not; and all sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment; any service lane or mall forming part of a road.
Roadway	Means that portion of the road used or able to be used for the time being for vehicular traffic in general.
Self Contained Vehicle	Means a vehicle used for camping which meets the conditions of NZS5465:2001 and displays a NZS5465:2001 Self-Containment Certificate.
Shared Path	Means an area of road, separated from a roadway, that may be used by some or all of the following persons at the same time: pedestrians, cyclists, riders of mobility devices and riders of wheeled recreational devices.
Shared Zone	Means a length of roadway, defined by signs or markings, intended to be used by pedestrians and vehicles, as set out in the Land Transport (Road User) Rule 2004.
Special vehicle lane	means a lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, and a cycle lane.
State Highway	Means a state highway defined in Part 1 of the Land Transport Management Act 2003.
Stock	Includes sheep, cattle, goats and any other herd animal, but does not include a horse that is being led, ridden, or which is drawing any vehicle.
Traffic Control Device	Has the same meaning as Part 2 of the Land Transport (Traffic Control Devices) Rule 2004.

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Transport Station	Has the same meaning as section 591 (6) of the Local Government Act 1974.
Transit Lane	Means a lane, defined by signs or markings, reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane): <ul style="list-style-type: none"> a) passenger service vehicles; b) motor vehicles carrying not less than the number of persons (including the driver) specified on the sign; c) cycles; d) motorcycles; e) mopeds.
Vehicle	Has the same meaning as in the Land Transport Act 1998.
Vehicle Crossing	Is a place where vehicles are being taken or, in the opinion of the council, are likely to be taken, on to or from any land across any footpath on any road or any water channel on or adjoining any road.
Zoning Parking	Has the same meaning as in Land Transport Rule: Traffic Control Devices 2004.

3. INTERPRETATION

- 3.1. Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- 3.2. The Interpretation Act 1999 applies to the interpretation of this bylaw.
- 3.3. Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by Council at any time.

4. STOPPING, STANDING AND PARKING

- 4.1. No person shall stop, stand, or park a motor vehicle or motor vehicle combination on any road, on and off street car park, reserve or any other public place in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings.
Notwithstanding the provisions of this subclause and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing or parking of specified vehicles.
- 4.2. No person shall stop, stand or park a heavy motor vehicle for a period of more than one hour on any public place where there is adjacent residential zoned land on both sides of the road. This clause does not prohibit a vehicle from stopping, standing or parking for a period that is reasonably required for the purpose of loading or unloading that vehicle in the course of trade.
- 4.3. No person shall stop, stand, or park any vehicle which by reason of its condition or content causes an offensive odour in any public place.
- 4.4. No person shall, without the prior written permission of the Council, park a motor vehicle or trailer for the purpose of advertising a good or service or for offering the vehicle for sale unless the vehicle is being used for day to day travel, on any road or part of a road, or on any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place. This restriction includes vehicles and trailers displayed for sale, and mobile billboards.
- 4.5. Except with the prior written permission of the Council, no person shall stop, stand or park a vehicle on a road or other land under the control or ownership of the Council, for any period

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exceeding seven days, if that vehicle cannot be easily moved on at the request of the Council. No person is permitted to use a vehicle so parked as a place of sleeping accommodation.

- 4.6. No person shall park or place any machinery, equipment, materials, waste disposal bins, skips or freight containers on any road or public place except with the permission of the Council and in accordance with any conditions that Council may require. Council may remove any such item for non-compliance with any condition, at the owner's cost. This clause does not apply to those containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council and placed off the roadway, provided that such containers are not left on any road or public place for a period exceeding 48 hours.
- 4.7. No person shall operate any crane, mobile crane, excavator or drill rig parked on a road, except with the permission of Council and in accordance with any conditions that Council may impose.
- 4.8. No person shall repair, alter or add to a vehicle in the course of trade while the vehicle is on the road, unless those repairs, alterations or additions are necessary to enable the vehicle to be removed from the road.
- 4.9. A person must not stop, stand or park a motor vehicle on that part of the road which is laid out as a cultivated area, including a grass plot, a flower bed or shrubbery.
- 4.10. A person may stop, stand or park a motor vehicle in contravention of clause 4.9. if;
 - a) that part of the road is designed and constructed to accommodate a parked vehicle; or
 - b) Council has given permission to stop, stand or park a vehicle in that part of the road.

4.11. No person shall stop, stand or park a vehicle on any reserve unless:

- a) It is within an area set aside for parking and the parking is associated with the use of the reserve; or
- b) The person has received prior approval from the Council.

5. PARKING PLACES

- 5.1. The Council may with reference to a specified on-street parking place or specified on-street parking places, by resolution:
 - a) Permit or prohibit a class or classes of motor vehicles; and
 - b) Permit or prohibit time restrictions on parking; and
 - c) Specify and impose conditions of parking in that parking place or in those parking places; and
 - d) Specify part or parts that are available for public use; and
 - e) Specify part or parts that are available for reserve parking; and
 - f) Specify and prescribe fees and rental charges for parking in or reserving parking in that parking place or in those parking places; and
 - g) prescribe the means by which parking fees may be paid including, by the use of parking machines or otherwise
 - h) permit specified parking places to be used for street vending and market purposes

~~5.2. The Council may with reference to a specified off-street parking place or specified off-street parking places, by resolution:~~

~~5.2.2. The Council may with reference to a specified off-street parking place or specified off-street parking places, by resolution:~~

- a) Permit or prohibit a class or classes of motor vehicles; and
- b) Permit or prohibit time restrictions on parking; and
- c) Specify and impose conditions of parking in that parking place or in those parking places; and

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- d) Specify part or parts that are available for public use; and
- e) Specify part or parts that are available for reserve parking; and
- f) Specify and prescribe fees and rental charges for parking in or reserving parking in that parking place or in those parking places; and
- g) prescribe the means by which parking fees may be paid including, by the use of parking machines or otherwise
- h) permit specified parking places to be used for street vending and market purposes

5.4.5.3 The Council may with reference to a specified off-street parking place or specified off-street parking places, by resolution delegate to the Chief Executive the authority to do any of the things specified in subclauses 5.1.2(a) to (h) above.

5.5.5.4 Council shall display signs indicating any such prohibition, specification or condition.

5.6.5.5 The Council may from time to time, by resolution:

- a) Declare any road or part of a road, including the days and times, to be a metered area/place or zone parking
- b) Declare any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station to be a metered area/place or zone parking.
- c) Declare the number and situation of parking spaces within a metered area.
- d) Declare the time allowed for parking in such metered areas/places and areas of zone parking beyond which it shall be unlawful to remain parked.

5.7.5.6 Metered areas/places, and zone parking requirements apply between 8am and 6pm every day of the week, except where signs relating to those metered areas/places, and zone parking indicate otherwise.

5.8.5.7 Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing and parking restrictions apply.

6. PARKING FEE TO BE PAID

- 6.1. No driver or person in charge of a vehicle shall park in a metered area, parking place or area of zone parking without having paid the appropriate fee and, where required, display a legible receipt, correctly activate the parking machine controlling the parking place or parking space in compliance with the instructions on the parking machine controlling the parking place or parking space.
- 6.2. The driver or person in charge of a motor vehicle in which an approved disabled person's parking permit is displayed may occupy a metered parking place for double the maximum time period allowed in that metered parking place, provided that the appropriate fee has been paid for the maximum time period. The permit shall not be displayed if the parking place is not being used for the benefit of the mobility permit holder.
- 6.3. Unless otherwise specified by Council the driver or person in charge of a motor vehicle in which an approved disabled person's parking permit is displayed may occupy a Mobility Parking Space for no fee.
- 6.4. Where the Council has reserved parking spaces as mobility parking spaces, the approved disabled persons parking permit shall be displayed so that it is legible through the front windscreen where fitted, or on the motor vehicle if no windscreen is fitted. The permit shall not be displayed if the parking space is not being used for the benefit of the permit holder.
- 6.5. No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a metered parking place/area without paying the appropriate fee.

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- 6.6. No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a metered parking place/area for longer than the maximum period for parking in that metered area, except as provided by 6.2
- 6.7. Where more than one motorcycle occupies a metered parking space it shall not be necessary for the payment of more than one parking fee. No motorcycle shall remain parked in the metered space after the time has expired and each motorcycle so parking is in breach of this Bylaw.
- 7. TEMPORARY ALTERNATE USE OF PARKING SPACES**
- 7.1. Where the Council is of the opinion that any metered parking space should be temporarily discontinued as a parking space, the Council may place or erect (or authorise the placing or erecting of) a sign, or notice showing, 'No Stopping' or a meter hood showing reserved parking at the affected metered parking space or spaces. It shall be unlawful for any person to park a vehicle in a metered parking space when a sign, notice or meter hood indicates that it is no longer a public parking space, except with the written permission of the Council.
- 8. UNLAWFUL PARKING**
- 8.1. No person shall park any vehicle or vehicle combination in a parking space except as permitted by the provisions of this Bylaw.
- 8.2. No person shall park a vehicle or vehicle combination in a parking space so that any part of that vehicle extends beyond any line defining that space unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking space. If the parking spaces occupied by the vehicle or vehicle combination are metered parking spaces the driver shall be liable to pay a parking fee for each space so occupied.
- 8.3. No person shall, if a parking machine is not in operation, park in a metered space or area governed by that parking machine for a period greater than the maximum indicated on that machine, except where the vehicle is being used for the benefit of an approved disabled person's parking permit holder.
- 8.4. No person shall obstruct vehicle access to or egress from any parking space.
- 8.5. No person shall return to any parking space, or any parking space within the same parking zone, until a period of 20 minutes has elapsed from the time the vehicle previously left the parking space or parking zone.
- 9. RESIDENTS' PARKING**
- 9.1. Council may by resolution reserve any specified parking place as-
- a) a residents' only parking area for the exclusive use of a person who resides in the vicinity.
 - b) a residents' exemption parking area for the use of a person who resides in the vicinity.
- 9.2. Council may by resolution prescribe-
- a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place; and
 - b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity.
- 9.3. Residential parking restrictions are recorded in the Residents Parking Register.
- 9.4. Any person who parks a vehicle in a parking place reserved for the exclusive use of a person who resides in the vicinity must pay the prescribed fee and display a current approved resident's parking permit so that it is clearly legible.

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- 9.5. A person must not park a vehicle in a resident's parking place in contravention of a prohibition or restriction made by Council unless a current approved resident's parking permit is prominently displayed in the vehicle.

10. ONE-WAY ROADS

- 10.1. A person may only drive along the roads or parts of roads listed as a 'one-way road' in the One Way Roads Register of this Bylaw, in the direction specified.
- 10.2. The Council may by resolution specify that cycles may travel in the opposite direction on a one way road.
- 10.3. The Council may by resolution amend the One Way Roads Register to provide for a road, or part of a road, to be a one-way road, or to provide that a road should cease to be used as a one-way road.

11. TURNING RESTRICTIONS

- 11.1. Subject to the erection of the prescribed signs, no person shall drive a vehicle contrary to any turning restriction listed the Turning Restrictions Register.
- 11.2. The Council may by resolution amend the Turning Restrictions Register, to prohibit turns, subject to the erection of the prescribed signs:
- a) Vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns').
 - b) Vehicles or specified classes of vehicles from turning to the right or to the left or from proceeding in any other direction.

12. TURNING MOVEMENTS PERMITTED BY SPECIFIED CLASSES OF VEHICLES

- 12.1. Subject to the erection of the prescribed signs, the traffic lanes listed in the Turning Movements Register by specified classes of vehicles.
- 12.2. The Council may by resolution amend the Turning Movements Register to permit turning movements by specified classes of vehicles at a traffic lane, or to provide that a turning movement or turning movements by specified classes of vehicles should cease at a traffic lane. prohibit turns subject to the erection of prescribed signs.

13. CYCLE PATHS

- 13.1. The roads, parts of roads and places listed in the Cycle Paths Register are Cycle Paths and are to operate as shared paths. Priority (if any) is indicated in this register.
- 13.2. The Council may by resolution amend the Cycle Paths Register to provide for a road, or part of a road, to be used as a Cycle Path either permanently or for a set period of time, or to provide that a road or part of a road should cease to be used as a Cycle Path.

14. SPECIAL VEHICLE LANES

- 14.1. Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- 14.2. A person must not use a special vehicle lane contrary to any restriction made by Council as listed in the Special Vehicle Lane Register.

15. LIGHT MOTOR VEHICLE PROHIBITIONS

- 15.1. Council may by resolution restrict or prohibit any vehicle having a gross motor vehicle mass less than 3,500kg from being operated on any road between the hours of 9pm and 4am as set out in Light Motor Vehicles Prohibitions Register.

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20. SHARED ZONES

- 20.1. Council may by resolution specify any road to be a shared zone and specify any restrictions on how the shared zone is to be used by the public. In addition to any roads declared to be shared zone by resolution under Clause 20.1, the roads, parts of road and places listed in Shared Zones Register are 'Shared Zones'.
- 20.2. Except where Council has by resolution specified otherwise, no person may stand or park a vehicle in a shared zone.
- 20.3. No person may use a shared zone in a manner contrary to any restriction made by Council.

21. CHILDREN IN VEHICLES

- 21.1. Council may enter or allow entry into a vehicle in any parking area to aid a child who has been left unattended in that vehicle, where it appears that the child is in distressed condition, or leaving the child in the vehicle is likely to endanger its safety or health.

22. ANIMALS IN VEHICLES

- 22.1. Council may enter or allow entry into any vehicle in any parking area where an animal has been left unattended in that vehicle and it appears that the animal is in a distressed condition.

23. LAUNCHING RAMPS

- 23.1. No person may use a launching ramp other than for launching boats from trailers or retrieving boats onto trailers, except with authorisation from Council.
- 23.2. No person shall:
- a) Stop any vehicle on any part of a launching ramp or the approach to a launching ramp for longer than is necessary to launch or recover a boat.
 - b) Drive or move any vehicle onto a launching ramp to recover a boat before the boat is ready to be recovered.
- 23.3. Council may, by resolution, amend the Launching Ramp Register to remove or add launching ramps and approaches to launching ramps from this Register.

24. WINDSCREEN WASHING AND OTHER ACTIVITIES AT INTERSECTIONS

- 24.1. No person shall, within 50 metres of any intersection on any road:
- a) wash or clean the windows of any vehicle stopped on the road;
 - b) attempt to sell to, advertise or trade with any person in any vehicle stopped on any road.

25. SEIZURE AND IMPOUNDING

- 25.1. A council enforcement officer authorised to enforce the provisions of this bylaw, may seize and impound any property used in a manner that breaches this bylaw if:
- a) the property is materially involved in the commission of an offence; and
 - b) it is reasonable in the circumstances to seize and impound the property; and
 - c) before seizing and impounding the property, the enforcement officer:
 - i. directed (orally or in writing) the person committing the offence to stop committing the offence; and
 - ii. has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and
 - iii. provided the person with a reasonable opportunity to stop committing the offence.

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- 25.2. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with 25.1(c).
- 25.3. As soon as practicable after seizing and impounding the property, an enforcement officer must give a notice in the prescribed form (where a form is prescribed):
- a) to the person in possession of the property at the time it was seized and impounded; or
 - b) if paragraph a) does not apply, to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property.
- 25.4. Council may require the vehicle owner to pay Council's costs in seizing, impounding, transporting, and storing the property.
- 25.5. A notice under this section may be served:
- a) By delivering it, or a copy of it, personally to the person who appears to be in possession of the property at the time it was seized and impounded; or
 - b) By sending it, or a copy of it, by post addressed to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property at his or her last known place of residence or business or postal address.

26. REMOVAL OF VEHICLES AND THINGS

- 26.1. In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed any vehicle or thing from any parking place, transport station or road using those places or stations in breach of the bylaw.
- 26.2. Council may recover from the person who committed the breach of this bylaw the costs incurred by Council in connection with the removal of the vehicle or thing.

27. OFFENCES AND PENALTIES

- 27.1. Every person commits an offence against this Bylaw who;
- a) Fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw, or
 - b) Fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Bylaw.
 - c) Fails to comply with any condition, duty, or obligation, imposed by this Bylaw.
- 27.2. Every person who commits an offence against a clause in this Bylaw is liable under the enabling legislation, to penalties and fines as set out below;
- a) Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw under Section 242(4) of the Local Government Act 2002, is liable on summary conviction to a fine not exceeding \$20,000.
 - b) Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw under the Land Transport Act 1998 commits an offence under the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004 and is liable to the penalties and fines as set out in the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004.
 - c) A person may not be subject to proceedings under this Bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.
 - d) Every person who fails to comply with clauses in this bylaw made pursuant to the Freedom Camping Act 2011 commits an offence against the Freedom Camping Act 2011 and is liable to the penalties and fines set out in Section 23 of the Freedom Camping Act 2011.

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27.3. The following table outlines the offences and the enabling statutes:

Offences and the clauses that cover them:	Enabling Statutes
4, 5, 6, 7, 8, 9,10,11,12, 13, 14, 15, 16.1, 16.3 – 16.11, 17, 20, 21, 22, 23, 24, 26	Land Transport Act 1998 22AB, section 1,
18	Freedom Camping Act 2011, Part 2
19	Local Government Act 1974, Section 336
16.2	Local Government Act 2002, Section 145 (a)
25	Local Government Act 2002, Part 8

28. DEFENCES

28.1. A person is not in breach of this Bylaw if that person proves that the act or omission complained of:

- a) Took place in compliance with the directions of an enforcement officer, a parking warden or a traffic control device; or
- b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

29. EXEMPTED VEHICLES

29.1. This Bylaw shall not apply to emergency vehicles being used in an emergency.

29.2. Clauses 4, 6, 7, 9, 14, 15, 19 and 20 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

29.3. This Bylaw shall not apply to vehicles operated by the Council or for the Council during the necessary fulfilment of Council's statutory functions, duties or powers.

29.4. This Bylaw shall not apply to vehicles operated by Utility providers whilst engaged in emergency repair work to a public utility service.

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

Councillor: _____

Councillor: _____

Chief Executive: _____

Hamilton City Council Traffic Bylaw 2015 Registers

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Hamilton City Council Shared Zone Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Shared Zones

Part 1: Worley Place (extension)

No person may stand or park a vehicle in this shared zone at any time.



Note:

1. Changes to this Register may be made by Council resolution.
2. That proposed changes to this register must go through a local engagement process with adjacent property owners and key stakeholders e.g. AA, Living Streets CAW, CCS Disability Action Road Transport Association, Police, prior to going to subcommittee.

Hamilton City Council Pedestrian Mall Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Pedestrian Malls

Part 1: Declared Pedestrian Malls

Garden Place, the area mapped as Garden Place below has been designated as a pedestrian mall. This means that driving, riding or parking any vehicle excluding an emergency vehicle, a bicycle or a vehicle with prior permission from Council, will be prohibited on all of the mapped pedestrian mall area. These restrictions and prohibitions will remain in place 24 hours a day, 365 days a year.



Hamilton City Council
Pedestrian Mall Register

Attachment 4

Commerce Street, The area mapped as Commerce Street from Kent Street to High Street below has been designated as a pedestrian mall. This means that the driving, riding or parking of any vehicle, excluding emergency vehicles, those with prior permission from Council, will be prohibited on all of the mapped pedestrian mall area. These restrictions and prohibitions will remain in place from 7am to 2pm each Saturday, 52 weeks a year.

Item 11



Hamilton City Council Residents Parking Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Residents' Parking

Part 1: Residents Only Parking

Roads reserved for the exclusive parking of specified motor vehicles owned by residents of the surrounding area and displaying a Residents' Only Permit.

Road	Section/Part	Prescribed Fees
This table is intentionally blank		

Part 2: Residents Exemption Parking

Roads able to be used by specified vehicles owned by eligible residents of the surrounding areas and displaying a valid Residents' Exemption Permit issued for such a vehicle.

Road	Section/Part	Prescribed Fees
This table is intentionally blank		

Note:

1. Changes to this Register may be made by Council resolution.
2. That proposed changes to this register must go through a local engagement process with adjacent property owners and relevant key stakeholders prior to going to subcommittee.
3. Proposed changes are underlined and marked in red

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Hamilton City Council Cycle Paths Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Cycle Paths

The following cycle paths are to operate as shared paths 24 hours a day seven days per week.

Location	Description	Priority
Avalon Drive	<ul style="list-style-type: none"> (i) Cycle Path from the intersection of Ellicott Road, progressing 350 metres (north) to the intersection with number 27. (ii) Cycle Path from the intersection of number 53, progressing 85 metres (north) to the intersection of number 59. (iii) Cycle Path from the intersection of number 66, progressing 70 metres (south) to the intersection of number 9. (iv) Cycle Path from the intersection of number 95, progressing 35 metres (north) to the intersection of number 101. (v) Cycle Path from the intersection of number 110, progressing 98 metres (south) to the intersection of number 98. (vi) Cycle Path from the intersection of SH1, progressing 170 metres (south) to the intersection opposite number 113. 	Nil
Borman Road	(i) Cycle Path from the eastern side of Resolution Drive eastwards in an underpass to a point in Borman Road 50 metres east of the intersection with Resolution Drive.	Nil
Bridge Street	(i) Cycle Path from Grey Street west 25 metres towards Memorial Bridge (southern side)	Nil
Cobham Drive	(i) Cycle Path from the intersection with Hungerford Terrace, progressing 895 metres to the intersection with the river route shared use path.	Nil
Cameron Road	(i) Cycle Path from the intersection with Clyde Street north 25 metres on the western side.	Nil
Cook Street	<ul style="list-style-type: none"> (i) Cycle path (Southside) from the intersection with Grey Street, progressing 45 metres Eastbound. (ii) Cycle path (Northside) from a point 45 metres East of Grey Street, progressing a further 185 metres to the intersection with Firth Street. (iii) Cycle Path (southern side) from intersection with Galloway Street progressing 22m eastbound. 	Nil
Clarkin Road	(i) Cycle Path from the intersection with of Bankwood	Nil

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**Hamilton City Council
Cycle Paths Register**

	Road, progressing 50 metres to opposite the centre point of the intersection with Heaphy Terrace.	
Clyde Street	(i) Cycle Path from the intersection with Cameron Road, west 17 metres on the northern side. (ii) Cycle Path on the corner of the intersection with Knighton Road commencing 12 metres east of the property boundary for #274/287 Clyde Street extending a distance of 63 metres in a south easterly direction into Knighton Road	Nil
Ellicott Road	(i) Cycle path (south) beginning at a point 225 metres west of the intersection with Maple Avenue and progressing for a further 57 metres	
Galloway Street	(i) Cycle Path from the intersection of Cook Street southbound 11 metres on the western side.	Nil
Glen Lynne Avenue	(i) Cycle Path from the intersection with Glen Lynne Avenue, progressing 50 metres northwards through the alleyway to the intersection with Clements Crescent. (ii) Cycle Path from the intersection with Glen Lynne Avenue, progressing 50 metres southwards through the alleyway to the intersection with Pulham Crescent.	Nil
Grey Street	(i) Cycle Path from Bridge Street to Clyde Street (eastern side). (ii) Cycle Path from Bridge Street south 35m towards Clyde Street (western side)	Nil
Heaphy Terrace	(i) Cycle Path beginning 10 metres west of the Boundary Road/Heaphy Terrace intersection (north), progressing 20 metres to 10 metres north of the Boundary Road/Heaphy Terrace intersection. (ii) Cycle Path beginning 10 metres east of the Boundary Road/Heaphy Terrace intersection (north), progressing 20 metres to 10 metres north of the Boundary Road/Heaphy Terrace intersection. (iii) Cycle Path beginning 10 metres west of the Boundary Road/Heaphy Terrace intersection (south), progressing 20 metres to 10 metres south of the Boundary Road/Heaphy Terrace intersection. (iv) Cycle Path beginning 10 metres east of the Boundary Road/Heaphy Terrace intersection (south), progressing 20 metres to 10 metres south of the Boundary Road/Heaphy Terrace intersection.	Nil
Knighton Road	(i) Cycle Path from Gate 1 Waikato University to Gate 2 Waikato University (eastern side). (ii) Cycle Path from Helena Road intersections southwards 52 meters on the eastern side. (iii) Cycle Path from opposite the Helena Road intersection west into Cameron Road extending 20 metres into Cameron Road on the eastern side.	Nil
Lincoln Street	(i) Cycle Path from the intersection of Rifle Range	Nil

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Hamilton City Council Cycle Paths Register

	<p>Road, progressing 350 metres (north) to the intersection with Ellicott Road.</p> <p>(ii) Cycle Path from the intersection of Forest Lake Road progressing southwards 235 metres on the northern side.</p>	
Mill Street	(i) Cycle Path underneath Mill Street in an underpass from an intersection with Old Mill Street to an intersection with Wye Street.	Nil
Naylor Street	<p>(i) Cycle Path from the intersection of Grey Street, progressing 20 metres (east) to the intersection with number 23.</p> <p>(ii) Cycle Path from the intersection of number 23, progressing 28 metres (west) to the intersection with Grey Street.</p>	Nil
Norton Road	(i) Cycle Path from opposite the intersection with Tahī Street, progressing 345 metres to the intersection with Lincoln Street.	Nil
Pukete Road	<p>(i) Cycle Path from an underpass underneath Wairere Drive from 20 metres south of Pukete Road, progressing 270 metres (south) to the intersection of Sandwich Road.</p> <p>(ii) Cycle Path from the intersection with Sandwich Road, progressing 97 metres (north) to the intersection with Wairere Drive.</p> <p>(iii) Cycle Path from the intersection with Wairere Drive, progressing 180 metres (north) to the intersection with Pukete Road.</p> <p>(iv) Cycle Path from the intersection with Totara Drive, progressing 960 metres north.</p>	Nil
Resolution Drive	(i) Cycle Path from an underpass underneath Resolution Drive from Borman Road, progressing 2000 metres to an intersection with the shared footpath/cycletrack along Wairere Drive.	Nil
River Road	(i) Cycle Path from an underpass underneath River Road from the river route shared use path, progressing 40 metres to the intersection with Commodore Avenue.	Nil
Ruakura Road	<p>(i) Cycle path (north and south side) beginning at the intersection with Peachgrove Road and progressing 385 metres to the intersection with Wairere Drive</p> <p>(ii) Cycle path (north) beginning at the intersection with Knighton Road and progressing to a point 75 metres east of Knighton Road</p>	
Totara Drive	<p>(i) Cycle Path from the northern entrance to Braithwaite Park, progressing 260 metres to the intersection of River Oaks Place.</p> <p>(ii) Cycle Path from the intersection with River Oaks Place, progressing 135 metres to the intersection of Pukete Road.</p>	Nil
Victoria Street	(i) Cycle Path gap in central refuge providing a link to Ward Street, totalling 5 metres.	Nil

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Hamilton City Council Cycle Paths Register

	(ii) Cycle Path beginning 103 meters south east of the Macdiarmid Road/Victoria Street intersection, progressing 887 meters south.	
Wairere Drive	(i) Cycle Path from the intersection with Te Rapa Road, progressing 11,300 metres to the intersection with Cobham Drive. (ii) Cycle Path underpasses at intersections with River Road, Resolution Drive, Hukanui Road and Gordonton Road, totalling 800 metres.	Nil

Note:

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3. Proposed changes are underlined and marked in red.

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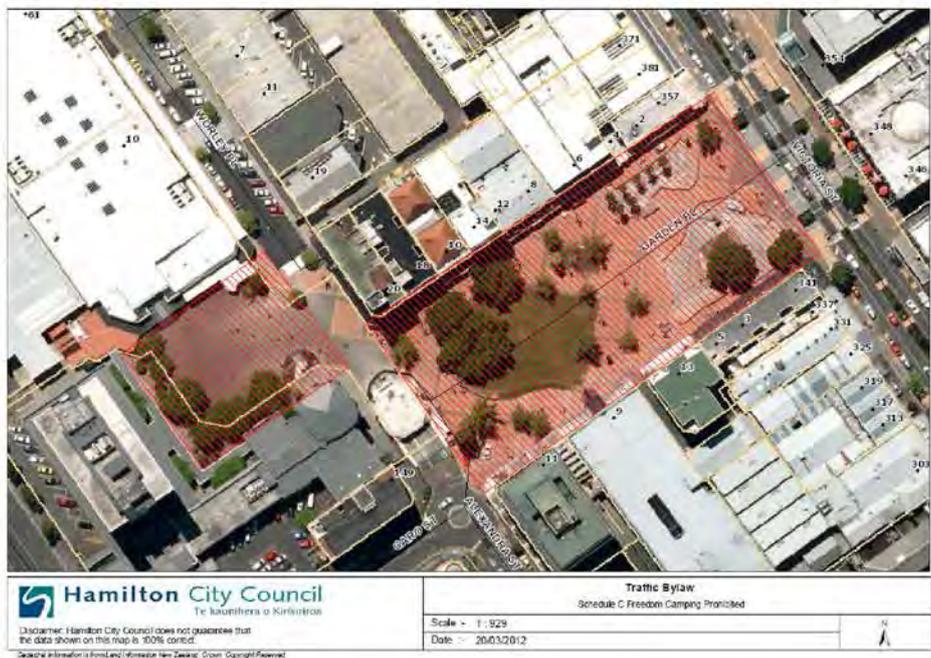
Hamilton City Council Freedom Camping On Roads Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Freedom Camping

Part 1: Garden Place and Civic Plaza

No person shall freedom camp in Civic Plaza and Garden Place, as set out in the map below:



D-1430251

Hamilton City Council Launching Ramps Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Launching Ramps

Launching ramps for boats are those located at:

- Roose – Commerce Reserve Grantham Street
- Pukete Farm Park
- Innes Common (Hamilton Lake Domain)

Note:

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2. That proposed changes to this register must go through a local engagement process with adjacent property owners and key stakeholders e.g. AA, Living Streets CAW, CCS Disability Action Road Transport Association, Police, prior to going to subcommittee.
3. Proposed changes are underlined and marked in red

D-1430250

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Hamilton City Council Heavy Traffic Prohibitions Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Heavy Traffic

Part 1 - Prohibition of the use of engine brakes

Use of engine brakes are prohibited from use on the following roads or parts of roads:

Road	Section/Part	Time of operation	Vehicles subject to prohibition
Cobham Drive	80km/h sections with in the city boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Koura Drive	From Onion Road to Te Kowhai Road	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Mangaharakeke Dr (SH 1 North)	From Norton / Lincoln Roundabout 60/80 signs to Hamilton City Council northern boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Morrinsville Road (SH 26)	From 60/80 signs east of Cotebrooke Lane to Hamilton City Council eastern boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Tuhikaramea Road,	80km/h sections with in the city boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Te Kowhai Road	80km/h sections with in the city boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Wairere Drive	From Avalon Drive to Ruakura Road	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle

Part 2 – Prohibition of heavy motor vehicles

The following roads shall not be used by Heavy motor vehicles except for the purpose of loading and unloading good or passengers at any property whose access is by way of the named road or public place.

Road	Section/Part	Time of operation	Vehicles subject to prohibition
Lake Domain Drive / Lake Crescent	Between the intersection of Killarney Road and	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle

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**Hamilton City Council
Heavy Traffic Prohibitions Register**

	the intersection of Gilbass Avenue		
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Part 3 – Prohibition of heavy motor vehicles at specified times of day.

Road	Section/Part	Time of operation	Vehicles subject to prohibition
This table is intentionally blank			

Part 4 - Approved stock routes in Urban Areas

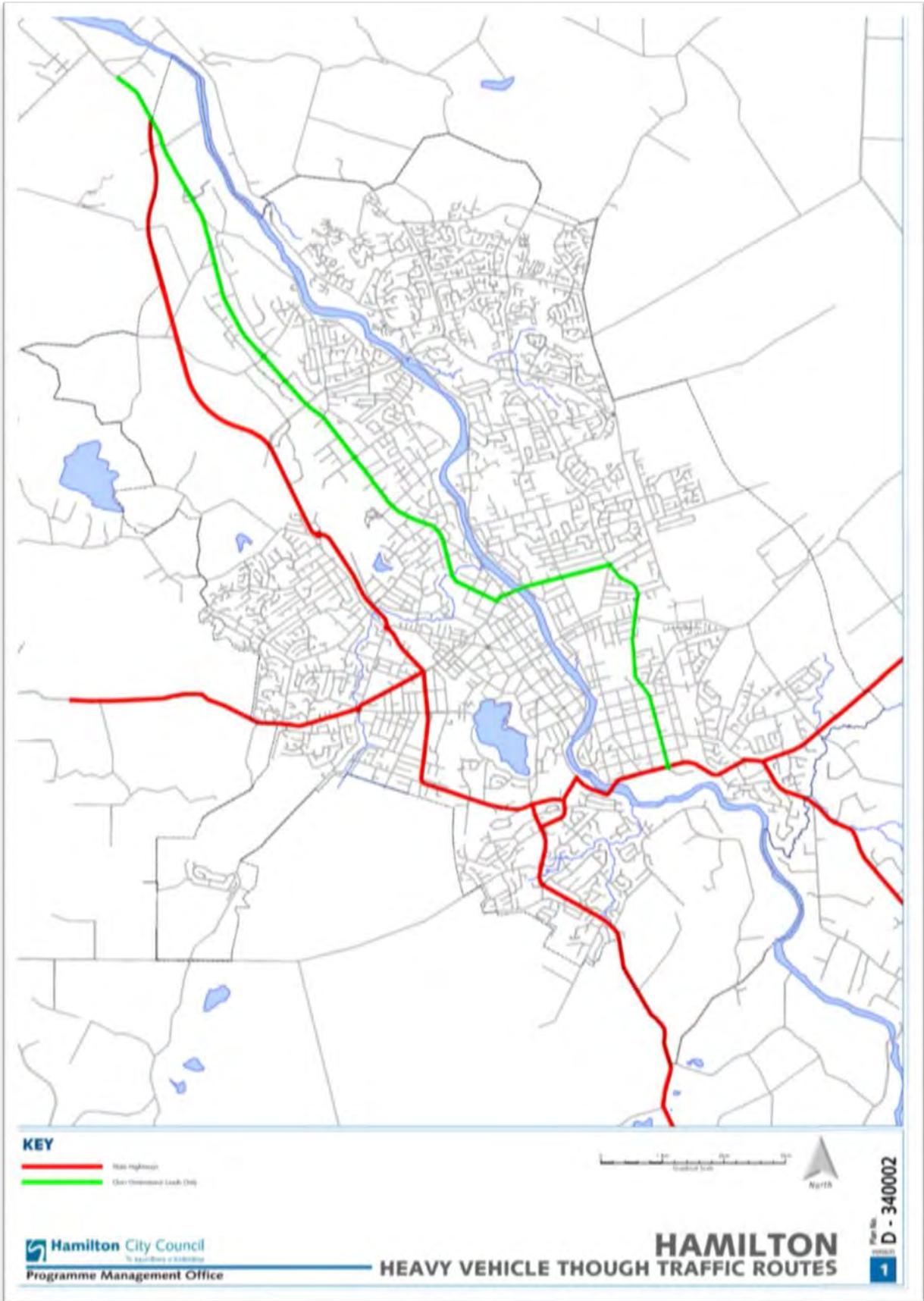
Road	Section/Part	Time of operation	Vehicles subject to prohibition
This table is intentionally blank			

Hamilton City Council Heavy Traffic Prohibitions Register

Item 11

Attachment 4

Part 5 Hamilton City Heavy Vehicle Through Traffic Routes



Hamilton City Council Heavy Traffic Prohibitions Register

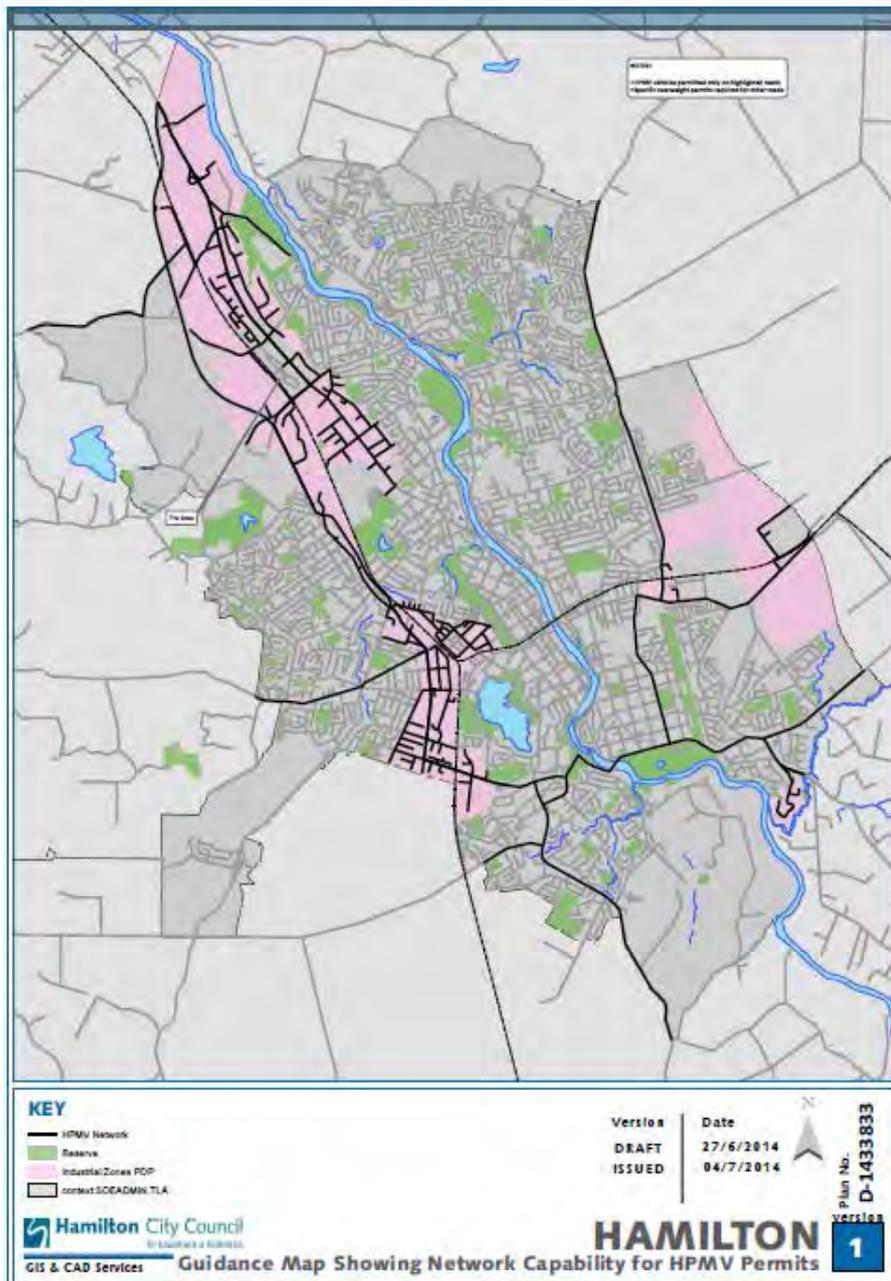
Part 6 Weight Or Load Restrictions

A - Over Bridges Or Culverts

Name of Road	Name of bridge or culvert	Weight limits	
		Maximum weight on any one axle	Gross weight (maximum of axle weights)
Claudlands Road	Claudlands Bridge	6,500kg	30,000kg

B - Higher Productivity Motor Vehicles – approved routes

Only the routes shown in the map below are approved for use by vehicles operating under Higher Productivity Motor Vehicle permits.



Item 11

Attachment 4

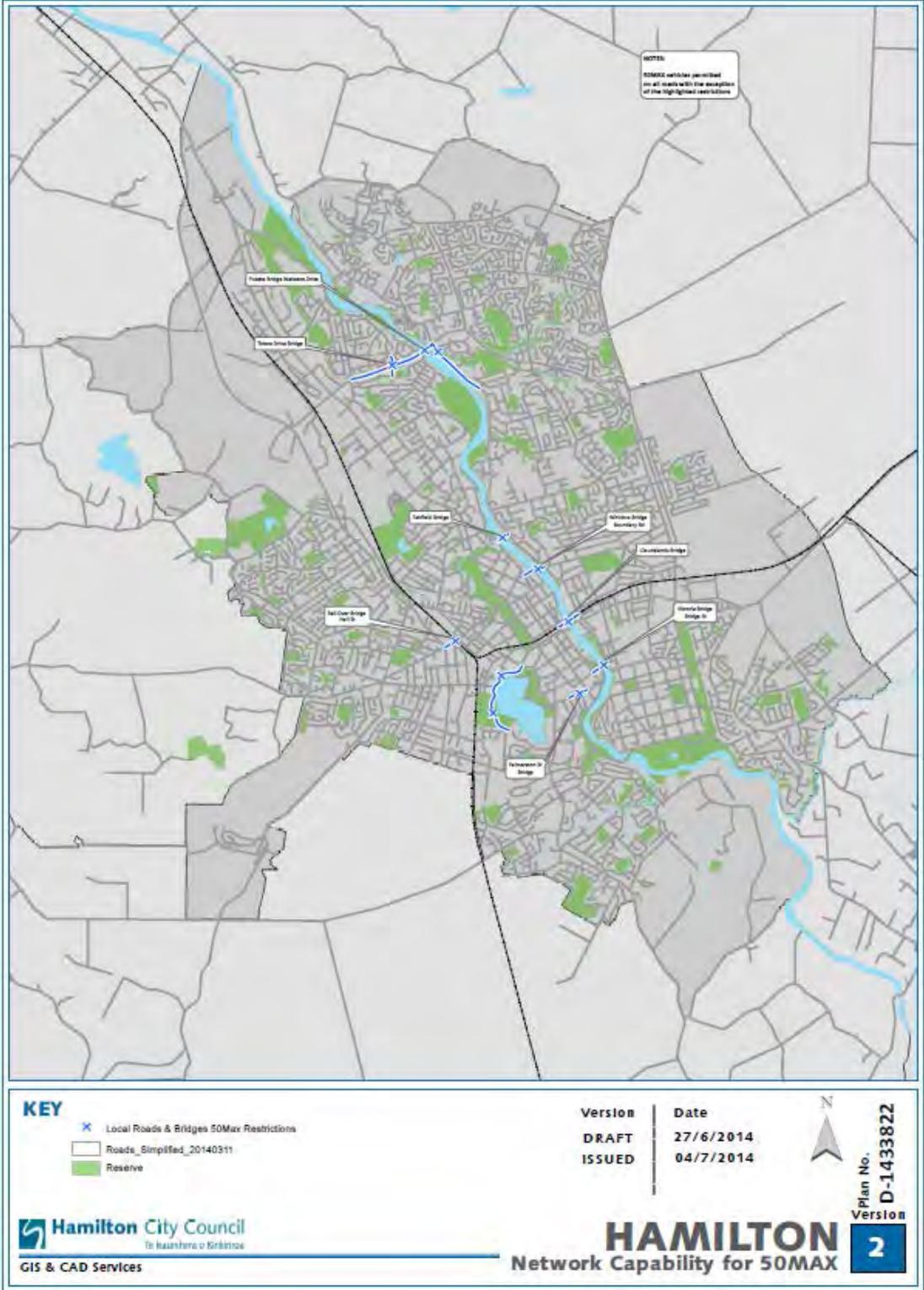
Hamilton City Council Heavy Traffic Prohibitions Register

Item 11

Attachment 4

C- 50MAX heavy Motor Vehicles

The local roads and bridges/structures shown on the map below are not to be used by 50MAX vehicles.



Hamilton City Council
Light Motor Vehicle Prohibitions Register

Approved By:	Date Adopted:
Date in Force:	
Date Amended:	Amendments recorded:

Light Motor Vehicle Prohibitions

Cruising

The following sections of roads or road have controls, restrictions or prohibitions in relation to cruising.

Location	Description
	This table is intentionally blank

Motor vehicles under 3,500kg

Vehicles with a mass under 3,500kg are restricted or prohibited from operating on the following roads between the hours of 9pm and 4am.

Location	Description
	This table is intentionally blank

Note:

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2. That proposed changes to this register must go through a local engagement process with adjacent property owners and key stakeholders e.g. AA, Living Streets CAW, CCS Disability Action Road Transport Association, Police, prior to going to subcommittee.

Hamilton City Council One Way Roads Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

One Way Roads

The following roads or parts of roads are one way.

Road	Section/Part	Permitted direction of travel
Grantham Street	Tisdall Street to Victoria Street	South
Commerce Street	High Street to Lake Road	South West
Cook Street	Grey Street to Firth Street	East
Hillsborough Terrace	Grantham Street and Tisdall Street	South
Kent Street	For a distance of 28 metres from the intersection of Norton Road	South
Te Rapa Road (Service Lane Only)	Vardon Road to Sir Tristram Avenue	North
Eastern Arterial (Off ramp)	Wairere Drive to Carrs Road	South

Hamilton City Council Special Vehicle Lanes Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Special Vehicle Lanes

Part 1: Cycle lanes

Operating 24 hours, Seven days per week (unless otherwise stated)

Location	Description
Avalon Drive	<ul style="list-style-type: none"> (i) Northbound cycle lane from 110 metres north of the intersection with Livingstone Ave, progressing 990 metres to the intersection with Rotokauri Road. (ii) Southbound cycle lane from 120 metres south of the intersection with Rotokauri Rd, progressing 745 metres to the intersection with the shared footpath/cycleway outside number 32.
Bankwood Road	<ul style="list-style-type: none"> (i) Northbound cycle lane from the intersection with Clarkin Road, progressing 1450 metres to the intersection with Comries Road. (ii) Southbound cycle lane from the intersection with Comries Road progressing 1450 metres to the intersection with Clarkin Road.
Beerescourt Road	<ul style="list-style-type: none"> (i) Eastbound cycle lane from the intersection with Macdairmid Road, progressing 113 metres to the intersection with Galbraith Avenue. (ii) Westbound cycle lane from the intersection with Taylor Terrace, proceeding 105 metres to the intersection with Galbraith Avenue. (iii) Northbound cycle lane from the intersection with Galbraith Avenue, progressing 872 meters to the intersection with Taylor Terrace. (iv) Southbound cycle lane from the intersection of Taylor Terrace, progressing 875 meters to the intersection with Galbraith Avenue.
Borman Road	<ul style="list-style-type: none"> (i) Eastbound cycle lane from a point 50 metres east of the intersection with Resolution Drive, progressing 1100 metres to the intersection with Gordonton Road. (ii) Westbound cycle lane from the intersection with Gordonton Road, progressing 1100 to a point 50 metres east of the intersection with Resolution Drive.
Bridge Street	<ul style="list-style-type: none"> (i) Eastbound cycle lane from the intersection with Victoria Street, progressing 400 metres to the intersection with Grey Street. (ii) Westbound cycle lane from a point 20 metres west of Grey Street, progressing 400 metres to centre line of the intersection with Victoria Street.
Bryce Street	<ul style="list-style-type: none"> (i) Eastbound cycle lane from the intersection with Tristram Street, progressing 210 metres to the intersection with Anglesea Street. (ii) Westbound cycle lane from the intersection with Anglesea Street, progressing 210 metres to the intersection with Tristram Street.
Cambridge Road	<ul style="list-style-type: none"> (i) Eastbound cycle lane from the intersection with Dey Street, progressing 600 metres to the intersection with Hillcrest Road. (ii) Westbound cycle lane from the intersection with Hillcrest Road, progressing 600 metres to the intersection with Dey Street.

Hamilton City Council Special Vehicle Lanes Register

Clarkin Road	<ul style="list-style-type: none"> (i) Eastbound cycle lane from the intersection with River Road, progressing 950 metres to the intersection with Bankwood Road. (ii) Westbound cycle lane from the intersection with Heaphy Terrace, progressing 1000 metres to the intersection with River Road.
Claudlands Road	<ul style="list-style-type: none"> (i) Eastbound cycle lane from the eastern end of Claudlands Bridge, progressing 500 metres to the intersection with Heaphy Terrace. (ii) Westbound cycle lane from the intersection with Heaphy Terrace, progressing 500 metres to the eastern end of Claudlands Bridge.
Clyde Street	<ul style="list-style-type: none"> (i) Eastbound cycle lane from the intersection with Grey Street, progressing 975 metres to the intersection with Knighton Road. (ii) Westbound cycle lane from the intersection with Knighton Road, progressing 975 metres to the intersection with Grey Street.
Collins Road	<ul style="list-style-type: none"> (i) Eastbound cycle lane from the intersection with Rhonda Avenue, progressing 1000 metres to the intersection with Ohaupo Road (ii) Westbound cycle lane from the intersection with Ohaupo Road, proceeding 1000 metres to the intersection with Rhonda Avenue.
Comries Road	<ul style="list-style-type: none"> (i) Westbound cycle lane from the intersection with Hukanui Road, progressing 500 metres to the intersection with Bankwood Road. (i) Eastbound cycle lane from the intersection with Bankwood Road, progressing 500 metres to the intersection with Hukanui Road.
Ellicott Road	<ul style="list-style-type: none"> (i) (i) Westbound cycle lane between the hours of 7.30am-9am and 3pm-6pm Mon-Fri beginning at a point 25 metres west of the intersection with Avalon Drive , progressing a further 195 metres (ii) (ii) Westbound cycle lane between the hours of 7.30am-9am and 3pm-6pm Mon-Fri beginning at the intersection with Ranui Street and progressing a further 85 metres (iii) (iii) Westbound cycle lane beginning at a point 85 metres west of Ranui Street and progressing 400 metres to the intersection with Aberfoyle Street (iv) (iv)) Westbound cycle lane between the hours of 3pm-6pm Mon-Fri from the intersection with Aberfoyle Street and progressing 350 metres to the intersection with Maple Avenue (v) Westbound cycle lane beginning at the intersection with Maple Avenue and progressing a further 128 metres (vi) Westbound cycle lane between the hours of 3pm-6pm Mon-Fri beginning at a point 128 metres west of the intersection with Maple Avenue and progressing a further 225 metres (vii) Eastbound cycle lane between the hours of 7.30am-9am Mon-Fri beginning at a point 32 metres east of the intersection with Newcastle Road and progressing for a further 224 metres (viii) Eastbound cycle lane beginning at a point 256 metres east of the intersection with Newcastle Road and progressing for a further 50 metres (ix) Eastbound cycle lane between the hours of 7.30am-9am Mon-Fri beginning at the intersection with Hyde Avenue and progressing for a further 43 metres (x) Eastbound cycle lane beginning at a point 43 metres east of the intersection with Hyde Avenue and progressing for a further 73 metres

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Hamilton City Council Special Vehicle Lanes Register

	<p>(xi) Eastbound cycle lane between the hours of 7.30am-9am Mon-Fri beginning at a point 116 metres east of the intersection with Hyde Avenue and progressing for a further 150 metres to the intersection with Leyton Place</p> <p>(xii) Eastbound cycle lane between the hours of 7.30am-9am Mon-Fri beginning at the intersection with Leyton Place and progressing for a further 130 metres</p> <p>(xiii) Eastbound cycle lane between the hours of 7.30am-9am Mon-Fri beginning at a point 130 metres east of Leyton Place and progressing for a further 360 metres to the intersection with Waimare Street</p>
Forest Lake Road	<p>(i) Westbound cycle lane from the intersection with Te Rapa Road, progressing 1680 metres to the intersection with Avalon Drive.</p> <p>(ii) Eastbound cycle lane from the intersection with Avalon Drive, proceeding 1600 metres to the intersection with Te Rapa Road.</p>
Garnett Avenue	<p>(i) Northbound cycle lane from the intersection with Storey Avenue, progressing 173 metres to the intersection with Dalgliesh Avenue.</p> <p>(ii) Northbound cycle lane from the intersection with Dalgliesh Avenue, progressing 232 metres to the intersection with Ken Browne Drive.</p> <p>(iii) Southbound cycle lane from metres south of the intersection with Ken Browne Drive, progressing 235 metres to the intersection with Dalgliesh Avenue.</p> <p>(iv) Southbound cycle lane from the intersection of Dalgliesh Avenue, progressing 206 meters to the intersection with Storey Avenue.</p> <p>Westbound cycle lane from the intersection with Te Rapa Road, progressing 175 metres to the intersection with Ken Browne Drive.</p> <p>(v) Eastbound cycle lane from the intersection with Ken Browne Drive, progressing 173 meters to the intersection with Te Rapa Road.</p>
Grey Street	<p>(i) Northbound cycle lane from opposite the intersection with Clyde Street, progressing 930 metres to the intersection with Te Aroha Street.</p> <p>(ii) Southbound cycle lane from the intersection with Te Aroha Street, progressing 930 metres to the intersection with Clyde Street.</p> <p>(iii) Northbound cycle lane from the intersection with Cobham Drive, progressing 1140 metres to the intersection with Cook Street.</p> <p>(iv) Southbound cycle lane from the intersection with Cook Street, progressing 1140 metres to the intersection with Cobham Drive.</p>
Hall Street	<p>(i) Eastbound cycle lane from the intersection with Kent Street, progressing 420 metres to an advanced stop line at the centre line of the Norton Road junction.</p> <p>(ii) Westbound cycle lane from the intersection with Norton Road, progressing 420 metres to the intersection with Kent Street.</p>
Heaphy Terrace	<p>(i) Northbound cycle lane from 10 metres north of the intersection with Boundary Road, progressing 1100 metres to the intersection with Clarkin Road.</p> <p>(ii) Southbound cycle lane from the intersection with Clarkin Road, progressing 1100 metres to a point 10 metres north of the</p>

Hamilton City Council Special Vehicle Lanes Register

	<p>intersection with Boundary Road.</p> <p>(iii) Northbound cycle lane from the intersection with Claudelands Road, progressing 800 metres to 10 metres south of the intersection with Boundary Road.</p>
Hukanui Road	<p>(i) Northbound cycle lane from 200 metres south of the intersection with Callum Brae Drive, progressing 1000 metres to the intersection with Thomas Road.</p> <p>(ii) Southbound cycle lane from the intersection with Thomas Road, progressing 1000 metres to 200 metres south of the intersection with Callum Brae Road.</p>
Killarney Road	<p>(i) Eastbound cycle lane from the intersection with Massey Street, progressing 1650 metres to the intersection with Queens Avenue.</p> <p>(ii) Westbound cycle lane from the intersection with Queens Avenue, progressing 1650 metres to the intersection with Massey Street.</p>
Lake Crescent	<p>(i) Northbound cycle lane from the intersection of Ohaupo Road, progressing 175 metres to the intersection with Pembroke Street.</p> <p>(ii) Southbound cycle lane from the intersection with Pembroke Street, progressing 175 metres to the intersection with Ohaupo Road.</p>
Lincoln Street	<p>(i) Southbound cycle lane from the intersection with Forest Lake Road, progressing 233 metres to the intersection with Rifle Range Road.</p>
Maeroa Road	<p>(i) Northbound cycle lane from the intersection with Norton Road, progressing 1500 metres to the intersection with Ulster Street.</p> <p>(ii) Southbound cycle lane from the intersection with Ulster Street, progressing 1500 metres to the intersection with Norton Road.</p>
Massey/Hall Overbridge	<p>(i) Eastbound cycle lane from the intersection with Lincoln Street, progressing 256 metres to the intersection with High Street.</p> <p>(ii) Westbound cycle lane from the intersection with Kent Street, proceeding 353 metres to the intersection with Greenwood Street.</p>
Mill Street	<p>(i) Eastbound cycle lane from the intersection with Norton Road, progressing 900 metres to the intersection with Ulster Street, including Advanced Stop Lines at Tristram Street and Ulster Street.</p> <p>(ii) Westbound cycle lane from the intersection with Ulster Street, progressing 900 metres to the intersection with Norton Road, including Advanced Stop Lines at Tristram Street and Mill Street.</p>
New Borman Road	<p>(i) Eastbound cycle lane from the intersection with Barrington Drive, progressing 520 metres to the intersection with Gordonton Road.</p> <p>(ii) Westbound cycle lane from the intersection with Gordonton Road, progressing 520 metres to the intersection with Barrington Drive.</p>
Norton Road	<p>(i) Eastbound cycle lane from the intersection with Lincoln Street, progressing 1225 metres to the intersection with Commerce Street, including Advanced Stop Lines at Norton Road and Commerce Street.</p> <p>(ii) Westbound cycle lane from the intersection with Commerce Street, progressing 940 metres to the intersection with Tahī Street, including Advanced Stop Lines at Norton Road.</p>
Ohaupo Road	<p>(i) Northbound cycle lane from the intersection with Lorne Street, progressing 400 metres to the intersection with Lake Crescent.</p>

Hamilton City Council Special Vehicle Lanes Register

	(ii) Southbound cycle lane from the intersection with Lake Crescent, proceeding 400 metres to the intersection with Lorne Street
Peachgrove Road	(i) Northbound cycle lane from the intersection with Clyde Street, progressing 1100 metres to the intersection with Te Aroha Street, including Advanced Stop Lines at Aroha Street. (ii) Southbound cycle lane from the intersection with Te Aroha Street, progressing 1100 metres to the intersection with Clyde Street, including Advanced Stop Lines at Clyde Street.
Pembroke Street	(i) Northbound cycle lane from a point 70 metres north of Lake Crescent, progressing 1135 metres to the intersection with Thackeray Street. (ii) Southbound cycle lane from the intersection with Thackeray Street, progressing 1135 metres to a point 70 metres north of Lake Crescent.
Pukete Road	(i) Northbound cycle lane from the intersection with Te Rapa Road, progressing 319 metres to the intersection with Sandwich Road. (ii) Southbound cycle lane from the intersection with Sandwich Road, proceeding 334 metres to the intersection with Te Rapa Road. (iii) Northbound cycle lane from the intersection with the shared footpath/cycleway near Pukete Road, progressing 1020 metres to the intersection with Moreland Drive. (i) Southbound cycle lane from the intersection with Totara Drive, proceeding 890 metres to the intersection of the shared footpath/cycleway.
Queens Avenue	(i) Northbound cycle lane from the intersection with Killarney Road, progressing 612 metres to the intersection with Lake Road. (ii) Southbound cycle lane from the intersection with Lake Road, proceeding 617 metres to the intersection with Killarney Road.
Rifle Range Road	(i) Northbound cycle lane from the intersection with Massey Street, progressing 1300 metres to the intersection with Lincoln Street. (ii) Southbound cycle lane from the intersection with Lincoln Street, progressing 1300 metres to the intersection with Massey Street.
River Road	(i) Northbound cycle lane from a point 100 metres north of the Fairfield Bridge progressing 2110 metres to the intersection with Comries Road. (ii) Southbound cycle lane from the intersection with Comries Road, progressing 1700 metres to the intersection with Clarkin Road. (iii) Dedicated cycletrack of 10 metres length providing a link between River Road and Claudelands Road immediately to the west of the River Road overbridge. (iv) Northbound cycle lane from the intersection with Tamihana Drive, progressing 561 metres to the intersection with Fairfield Bridge. (v) Southbound cycle lane from the intersection with Fairfield Bridge, proceeding 687 metres to the intersection with Tamihana Drive. (vi) Northbound cycle lane from the intersection with Discovery Drive, progressing 1658 metres to the intersection with Te Huia Drive. (vii) Southbound cycle lane from the intersection with Te Huia Drive, proceeding 1632 metres to the intersection with Discovery Drive.
Rotokauri Road	(i) Westbound cycle lane from the intersection of Avalon Drive, progressing 170 metres to the intersection of number 1.

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Hamilton City Council Special Vehicle Lanes Register

	(ii) Eastbound cycle lane from the intersection opposite number 1, progressing 160 metres to the intersection of Avalon Drive.
Ruakura Road	(i) Eastbound cycle lane from the intersection with Wairere Drive, progressing 1105 metres to the intersection with Knighton Road (ii) Westbound cycle lane from the intersection with Knighton Road, progressing 1105 metres to the intersection with Wairere Drive, (iii) Eastbound cycle lane from a point 75 metres east of the intersection with Knighton Road progressing 245 metres to the intersection with Silverdale Road (iv) Westbound cycle lane from the intersection with Silverdale Road progressing 245 metres to a point 75 metres east of the intersection with Knighton Road
Silverdale Road	(viii) Northbound cycle lane from the intersection with Carrington Avenue, progressing 1050 metres to the intersection with Ruakura Road. (ix) Southbound cycle lane from the intersection with Ruakura Road, progressing 1050 metres to the intersection with Carrington Avenue. (x) Northbound cycle lane from the intersection of Morrinsville Road, progressing 550 metres to the intersection of Masters Avenue. (xi) Southbound cycle lane from the intersection of Masters Avenue, progressing 550 metres to the intersection of Morrinsville Road.
Snell Drive	(i) Westbound cycle lane from the intersection with Tramway Road, progressing 827 metres to the intersection with Peachgrove Road. (ii) Eastbound cycle lane from the intersection with Peachgrove Road, proceeding 821 metres to the intersection with Tramway Road.
Taylor Terrace	(i) Northbound cycle lane from the intersection with Beerescourt Road, progressing 205 metres to the intersection with Braid Road. (ii) Southbound cycle lane from the intersection with Braid Road, proceeding 205 metres to the intersection with Beerescourt Road.
Te Aroha Street	(i) Eastbound cycle lane from the intersection with Grey Street, progressing 835 metres to the intersection with Peachgrove Road, including Advanced Stop Lines at Peachgrove Road. (ii) Westbound cycle lane from the intersection with Peachgrove Road, progressing 835 metres the intersection with Grey Street.
Te Rapa Road	(i) Northbound cycle lane from the intersection with Ulster Street, progressing 3300 metres to the intersection with Avalon Drive. (ii) Southbound cycle lane from the intersection with Avalon Drive, progressing 3300 metres to the intersection with Victoria Street.
Thomas Road	(i) Eastbound cycle lane from the intersection with Hukanui Road, progressing 1200 metres to the intersection with Gordonton Road. (ii) Westbound cycle lane from the intersection with Gordonton Road, progressing 1200 metres the intersection with Hukanui Road.
Totara Drive	(i) Northbound cycle lane from the intersection with Sandwich Road, progressing 1030 metres to the intersection with number 162B. (ii) Southbound cycle lane from the intersection with number 162B, proceeding 1030 metres to the intersection with Sandwich Road.

Hamilton City Council Special Vehicle Lanes Register

Tuhikaramea Road	(i) Northbound cycle lane from the intersection with Kahikatea Drive, progressing 1100 metres to the intersection with Massey Street. (ii) Southbound cycle lane from the intersection with Massey Street, progressing 1100 metres the intersection with Kahikatea Drive.
Ulster Street	(i) Northbound cycle lane from the intersection with Mill Street, progressing 1405 metres to the intersection with Te Rapa Road. (ii) Southbound cycle lane from the intersection with Te Rapa Road, proceeding 1317 metres to the intersection with Mill Street.
Vardon Road	(ii) Eastbound cycle lane from the intersection with Te Rapa Road, progressing 795 metres to the intersection with Beerescourt Road. (iii) Westbound cycle lane from the intersection with Beerescourt Road, proceeding 795 metres to the intersection with Te Rapa Road.
Victoria Street	(i) Northbound cycle lane from the intersection with Mill Street, progressing 250 metres to the intersection with number 1187. (ii) Northbound cycle lane starting 175 meters north of Fairfield Bridge, progressing 485 metres to the intersection with Te Rapa Road. (iii) Southbound cycle lane from the intersection with Te Rapa Road, proceeding 185 metres to the intersection with of the shared footpath/cycleway outside number 1340.

Part 2: Bus Lanes

Time restricted

Location	Description
Hukanui Road	A carriageway lane on the north eastern side of Hukanui Road from the intersection of Elmira Avenue and continuing in a south easterly direction to a point opposite the intersection of Kensington Place. This lane will operate between 7.30am – 9am Monday to Friday
Bridge Street	A carriageway lane on the north western side of Bridge Street from the intersection of Anglesea Street and continuing in an easterly direction to the intersection of Victoria Street. This lane will operate between 7.30am – 9.00am and 4.00pm – 6.00pm Monday to Friday
Anglesea Street	A carriageway lane on the east side of Anglesea Street from the intersection of Knox Street, continuing South to the intersection of Bridge Street. This lane will operate between 4.00pm – 6.00pm Monday to Friday

Part 3: Transit Lanes

Location	Description
	This table is intentionally blank

Note:

- Changes to this Register may be made by Council resolution.
- That proposed changes to this register must go through a local engagement process with adjacent property owners and key stakeholders e.g. AA, Living Streets CAW, CCS Disability Action Road Transport Association, Police, prior to going to subcommittee.
- Proposed changes are underlined and marked in **red**

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Hamilton City Council Turning Movements Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Turning Movements

Permitted turning movements by specified classes of vehicles.

Location	Description
Bridge Street	Buses are permitted to continue east-bound on Bridge Street from the left-hand lane.
River Road	Buses are permitted to turn right from River Road onto the Fairfield Bridge from the left hand lane.

Note:

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2. That proposed changes to this register must go through a local engagement process with adjacent property owners and key stakeholders e.g. AA, Living Streets CAW, CCS Disability Action Road Transport Association, Police, prior to going to subcommittee.
3. Proposed changes are underlined and marked in red

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Hamilton City Council Turning Restrictions Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

Turning Restrictions

Part 1: Right Turns

Vehicles and bicycles are prohibited from making the following right turns. This restriction applies 24 hours, Seven days per week.

- Anglesea Street right into Collingwood Street (south bound)
- Anglesea Street right into Ward Street (north bound)
- Anglesea Street right turn into Collingwood (north bound)
- Bryce Lane right into Victoria Street
- Caro Street right into Anglesea Street
- Casey Avenue right turn onto Boundary Road
- Clarence Street right into Tristram Street
- Fairfield Road right into River Road
- Firth Street right into Cook Street (south bound)
- Grey Street right into Cobham Drive (south bound)
- Grey Street right turn into Cobham Drive (north bound)
- Haig Street right into Hall Street
- High Street right into Commerce Street
- Hillsborough Terrace right into Cobham Drive
- Karewa Place right into Wairere Drive
- Keddel Street right into Commerce Street
- Kent Street right into Commerce Street (north bound)
- Lake Domain Drive right into Ruakiwi Road (western leg)
- Liverpool Street (west) right turn onto Anglesea Street
- Lynden Court right into Hukanui Road
- Maeroa Road right into Ulster Street (west bound)
- Memorial Drive right into Bridge Street
- Mill Street (north bound) right into Seddon Road
- Mill Street (east bound) right into Victoria Street
- Mountview Road right into Ohaupo Road (SH 3)
- Nixon Street right into Cobham Drive
- Norton Road right into Hall Street
- Norton Road right into Kent Street
- Oakley Avenue right into Boundary Road
- Pembroke Street right into Ohaupo Road
- Sapper Moore Jones Place right into Victoria Street
- Seddon Road right into Mill Street (north bound)
- Seddon Road right into Mill Street (south bound)
- Tainui Street right into Lake Road
- Tisdale Street left into Hillsborough Terrace

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Hamilton City Council Turning Restrictions Register

- Torrington Avenue right into Norton Road
- Tramway Road (northern end) right turn onto Wairere Drive
- Tramway Road (southern end) right turn onto Wairere Drive
- Tramway Road right turn into Fifth Avenue
- Tristram Street right onto Mill Street (south bound)
- Ulster Street right into Liverpool Street
- Ulster Street right into Victoria Street (Northern Leg)
- Victoria Street right into Bridge Street (from slip lane onto Bridge Street in a westerly direction)
- Victoria Street right into Claudelands Road
- Von Tempsky Street right into Bridge Street
- Ward Street into Victoria Street

Part 2: Left Turns

Vehicles and bicycles are prohibited from making the following left turns. This restriction applies 24 hours, Seven days per week.

- Anglesea Street left into Ward Street (southbound)
- Cobham Drive left into Hillsborough Terrace
- Firth Street left into Cook Street (north bound)
- High Street left into Commerce Street
- Kent Street left into Commerce Street (south bound)
- Tramway Road left into Fifth Avenue
- Victoria Street left into Bridge Street (main intersection)

Part 3: U Turns

Vehicles and bicycles are prohibited from making the following U turns. This restriction applies 24 hours, Seven days per week.

- Anglesea Street at Ward Street (south bound)
- Te Rapa Road at Home Straight (south bound)
- Te Rapa Road at Mahana Road (south bound)
- Te Rapa Road at Pukete Road (northbound)
- Te Rapa Road at Sir Tristram Avenue (north bound slip lane)
- Te Rapa Road at Sir Tristram Avenue (south bound)
- Te Rapa Road between Pukete Road and Wairere Drive(north and south bound)
- Te Rapa Road Euclid Avenue (south bound)
- Tristram Street at Clarence Street (south bound and north bound)
- Tristram Street between Hill Street and Collingwood Street (south bound)
- Ulster Street between the intersection of Richmond Street and Darley (north and south bound)
- Victoria at Bryce lane (north and south bound)
- Victoria Street at Claudelands road (south bound)
- Victoria Street at Collingwood Street southbound
- Victoria Street at Sapper Moore Jones Place (south bound)

Note:

1. Changes to this Register may be made by Council resolution.
2. That proposed changes to this register must go through a local engagement process with adjacent property owners and key stakeholders e.g. AA, Living Streets CAW, CCS Disability Action Road Transport Association, Police, prior to going to subcommittee.
3. Proposed changes are underlined and marked in red

Committee: Strategy & Policy Committee

Date: 24 February 2015

Report Name: Proposed Stormwater Bylaw
2015 for Public Engagement

Author: Liz Hallsworth

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Sub-regional Three Waters Strategy, Vision and Strategy for the Waikato River and Comprehensive Stormwater Discharge Consent</i>
Financial status	<i>There is budget allocated for making this bylaw.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To present the draft Hamilton Stormwater Bylaw 2015 (the draft bylaw) for Councils consideration and adoption prior to commencing public engagement.

3. Executive Summary

- At the [5th February 2014 Strategy and Policy Committee](#), Item 10, Council determined that a bylaw is the most appropriate mechanism to deal with stormwater matters within Hamilton.
- This report presents the draft bylaw for consideration and a recommendation to adopt it for the purposes of public engagement.
- Without a bylaw the risk of Council not being able to meet it's stormwater consent conditions and therefore the possibility of prosecution is increased.

7. Recommendations from Management – Recommendation to Council

That:

- a) the Report be received.
- b) Council determine that the proposed Hamilton Stormwater Bylaw 2015 is the most appropriate form of bylaw.
- c) Council determine that the proposed Hamilton Stormwater Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990.
- d) Council adopt the draft Hamilton Stormwater Bylaw 2015 to commence public engagement.
- e) Council determine that a four week online public engagement process commences on 4 March 2015 and runs until 1 April 2015.
- f) Staff report back to 26 May Strategy and Policy Committee with feedback for deliberation and adoption of the bylaw.

8. Attachments

9. Attachment 1 - Stormwater Bylaw Issues and Options Table
10. Attachment 2 - Proposed Stormwater Bylaw 2015
11. Attachment 3 - Stormwater High Risk Facilities Register

12. Key Issues

13. Background
14. Following the [5 February 2014 Strategy and Policy Committee](#), staff have worked with key internal and external stakeholders to determine the key issues and have developed a draft bylaw that allows for these issues to be managed in the most effective and efficient way.
15. Legislative requirements or legal issues
16. The Resource Management Act 1990 (RMA) and Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (Waikato River Settlement Act) are the two key Acts that affect stormwater management.
17. Waikato Regional Council's (WRC) approach to freshwater management in the region is driven by the Waikato River Settlement Act.
18. The Waikato River Settlement Act sets out a Vision & Strategy for the Waikato River and is part of the Waikato Regional Policy Statement (RPS). The RPS governs the consenting and discharge regime for stormwater. All Councils within the Waikato catchment must give effect to the Vision & Strategy.
19. The Vision & Strategy for the river takes a different approach to ordinary RMA considerations. The RMA focuses on mitigating and minimising adverse effects on the environment, whereas the Vision & Strategy is aimed at not only maintaining the quality of the river, but also improving it.
20. Stormwater management in the city must meet a higher threshold and conform with the expectations of the Vision & Strategy for the river which includes:

- “the restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length”
 - “a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River”
21. WRC has issued a Comprehensive Stormwater Discharge Consent (CSDC) to Council. This consent requires Council to manage the municipal stormwater catchment as a whole. Because the CSDC covers Councils entire network, discharge of contaminants to the network by third parties (i.e. the public’s actions) can put council at risk of breaching consent conditions.
22. The consent conditions require active management. Council must minimise or eliminate non-compliance and must manage water quality within the parameters of the consent. In particular:
- Numerous conditions require Council to “...manage the stormwater network to avoid as far as practicable and otherwise minimise...” particular types of discharges, contaminants or other issues (e.g. conditions 14-18, 23).
 - Condition 28 requires Council to prepare a Stormwater Quality Improvement Programme, designed to improve the quality of stormwater network discharges.
23. The regulatory environment which council must operate within for its stormwater management is more rigorous than other areas of the country. It is not a standard RMA operating environment.
24. Memorandum of Understanding (MOU) between Council and WRC
25. WRC and Council have also entered into an MOU which addresses how Council will meet its obligations under the CSDC. It sets an expectation that Council would take all steps available to it to manage its stormwater network, including;
- adopting a bylaw;
 - requirements that Council dedicate resources to inspections and audits of high-risk facilities (Clause 2); and
 - proactively manage the response to non-routine contaminant discharge incidents to avoid contaminants entering the stormwater network or discharging from the stormwater system to receiving waters (clause 6).
26. Local Government Act 2002 (LGA) and the New Zealand Bill of Rights 1990 (BORA)
27. Section 156 of the LGA sets out the procedure for making, amending, or revoking a bylaw made under this Act.
28. The decision making process will be carried out in accordance with section 77, 78 and 79 of the LGA.
29. Section 155(3) of the LGA imposes a requirement that no bylaw may be made which is inconsistent with the BORA. The proposed bylaw is not considered to be inconsistent with BORA.
30. The LGA gives Councils wide ranging powers to manage its infrastructure, which includes the stormwater network. One purpose of local government is the provision of good quality local infrastructure: section 10(1)(b) LGA. Network infrastructure, which includes stormwater, is a core service of local government: section 11A LGA. Accordingly, Council can use the powers of entry in the LGA for routine monitoring and inspection, for enforcement, and in emergencies.

31. Identified issues and options to manage them
32. The comprehensive nature of the regulations that apply to Council means that we need an equally broad toolkit to effectively manage the risks associated with the identified issues (see Attachment 1).
33. In response to the CSDC conditions and the MOU, the City Waters Unit are developing an education programme and are also working on a set of criteria to help third parties meet their responsibilities under the RPS.
34. An education programme is most effective if there is a clear set of rules for people to work to and there are ramifications of not working within the boundaries set out by those rules.
35. A bylaw will set out the rules and be an essential tool to manage the issues and associated risk.
36. Staff have worked with a group of key stakeholders; including staff from WRC, Waikato District Council, Waipa District Council and Waikato Tainui to identify the issues and options. There is support from these organisations for the development of a Stormwater Bylaw as an important mechanism for ensuring improved quality of stormwater discharging into the Waikato River. Waikato Tainui has indicated a desire to see the links between their Environmental Management Plan, the Hamilton River Plan and the proposed bylaw strengthened.
37. The issues table (Attachment 1) addresses the issues below, including a short discussion on the available options;
 - Contamination of stormwater going into Council's network,
 - Illegal connections,
 - Failure to maintain private stormwater devices,
 - Physical damage to stormwater network,
 - Obstruction of the stormwater network resulting in flooding,
 - Limited ability to access property for auditing and inspection for management of potential threats to the network.
38. The table identifies that although there are some alternative options for managing some of the issues identified they do not provide an adequate risk management tool council requires to meet its obligations.
39. The preferred options identified in the table have been used to produce the proposed bylaw (Attachment 2) in the most appropriate form to address the issues of stormwater management in the city and the Register of High Risk Facilities (Attachment 3).
40. The proposed bylaw has been legally reviewed and is a robust tool to deal with the issues identified with stormwater management.
41. Enforcement of bylaw
42. The enforcement of the bylaw will predominantly be managed by the Council's City Infrastructure Group.
43. Enforcement of the bylaw will work hand in hand with the education programme to ensure enforcement and prosecutions are minimised.
44. For the majority of people a bylaw gives clarity and confidence around what activities are acceptable and which are not.
45. Consultation and engagement
46. Under the LGA 2002 Amendment Act 2014 Councils are no longer required to use the Special Consultative Procedure (SCP) for making, amending or revoking bylaws unless required to by another Act or the matter is considered significant by the Council under the Significance and Engagement Policy.

47. However Council is required under section 156 1)b) of the LGA to give effect to section 82 Principles of Consultation.
48. Staff have used the following checklist, derived from section 82 and the proposed Significance and Engagement Policy, to determine the type and level of engagement that is needed:

Assessment for Consultation and Engagement	Stormwater Bylaw
Is there a legal requirement to carry out full SCP?	No
Is there a legal requirement to carry out public engagement?	Yes
Will the bylaw apply to a large portion of the community?	Yes - some sections apply to everyone
Does it have an impact on present and future interests of the community, recognising Maori culture values and their relationship to land and water?	Yes - through the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
Does the proposal affect the level of service of a significant activity or involve transferring ownership or control of strategic assets?	No
Is community interest high?	No
Are the likely consequences controversial?	No
Are <u>all</u> the interested parties views and preferences already known?	No

49. The check list above identifies that although Council is required to engage with the public and key groups on this bylaw it is not required to undertake a SCP.
50. Below are identified the 5 groups that need to be engaged with and the way that they have been engaged with so far or will need to be engaged with.
51. Staff invited approximately 50 organisations, representing Groups 2-4 (see below), to discuss stormwater management, including a possible bylaw. From these invitations, 8 organisations have met and provided feedback. The general feedback from these industry organisations has been supportive of the intent of a bylaw. Key discussion points have included:
- Support for ensuring all commercial organisations meet a good standard of stewardship of stormwater,
 - The education programme should be well designed and implemented (ahead of any enforcement),
 - New requirements, such as the Pollution Control Plan, should be designed so that it is easily integrated into existing business processes.

Group	Engagement
Group 1 – General public; bylaw sets out how stormwater must be managed and the public’s responsibilities regarding private stormwater networks on their properties.	Proposed 4 week engagement period over March 2015 to collect feedback.
Group 2 – Owners of high risk facilities; bylaw identifies how owner and occupiers of high risk facilities must manage risks of contamination to the network.	Targeted meetings over December 2014, January and February 2015 with opportunities to provide formal and informal feedback.
Group 3 – Builders and construction contractors; bylaw applies conditions on sedimentation entering the stormwater network.	Targeted meetings Over December 2014, January and February 2015 with opportunities to provide formal and

	informal feedback.
Group 4 – Utility operators; bylaw prohibits damage to the network.	Targeted meetings Over December 2014, January and February 2015 with opportunities to provide formal and informal feedback.
Group 5 – Key stakeholders; Tainui, Waikato District Council, Waipa District Council, WRC and Te Haa o Te Whenua o Kirikiriroa Trust.	Engagement meetings with opportunities to provide formal and informal feedback.

52. Under section 82 of the LGA 2002 Council is required to give those affected by the proposed bylaw a reasonable opportunity to present their views. There are a number of options for engaging with the public (Group 1) including;
- An online publicly notified engagement period
 - public drop in sessions and
 - hearings
53. Based on the analysis above, staff recommend Council undertake the following engagement process for this bylaw:
- Public notice
 - 4 week on-line engagement open to the community as a whole from 4 March 2015 to 1 April 2015.
 - Staff will meet with interested parties as requested over this 4 week period
54. Staff recommended that the engagement period be 4 weeks to allow the public a reasonable opportunity to engage with the draft bylaw, given there are no public information meetings or hearings.
55. Staff will report back to the Strategy and Policy Committee with the feedback from the engagement for deliberations and adoption of the bylaw in May 2015.

56. Financial and Resourcing Implications

57. The cost of developing and reviewing city bylaws is budgeted for by existing budgets.
58. The existing education programme will continue under the proposed bylaw. Enforcement of the bylaw is to be carried out by the existing enforcement team.

59. Risk

60. The proposed bylaw provides Council with an appropriate and necessary tool to manage the risks to Council from third party use of the stormwater network.
61. Without a bylaw Council is at risk of not being able to meet the conditions of our CSDC or meet the agreed approach in the MOU with the WRC. This would then significantly increase the risk of enforcement proceedings against Council (including incurred costs).
62. The proposed bylaw is in line with Councils abilities under the Act and has been legally reviewed, there are no risks associated with the bylaw.

63. If Council were to proceed without providing the public (Group 1) a reasonable opportunity to engage with the draft bylaw there would be a risk of the bylaw being challenged through court. It is a legal requirement for Council to provide those people who may be affected by the proposed bylaw a reasonable opportunity to present their views before its adoption. The general public are affected by this bylaw.

Signatory

Authoriser	Chris Allen, General Manager City Infrastructure Group
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Attachment 1 PROPOSED STORMWATER BYLAW 2015 ISSUES AND OPTIONS TABLE

Issue	Implications	Options
1. Contamination of stormwater going into Council's network	<p>Contaminants can result in damage to the environment, public health, restrict recreational use of waterways and cause breach of consent conditions.</p> <p>For the year 2013-2014 there were 162 investigations into claims of unauthorised contaminants going into the stormwater network.</p> <p>These ranged from paint being tipped down stormwater drains, sedimentation from building sites, foam and wastewater.</p> <p>Cost to Council if prosecuted for a breach of the CSDC could range between \$10,000 and \$50,000.</p>	<ol style="list-style-type: none"> 1. Rely solely on education (and the relevant sections of LGA). This could reduce the number of incidents of contamination. However education without a set of agreed rules is hard to achieve. This approach does not enable Council to set rules around what enters the stormwater system. This approach also still leaves Council at risk of prosecution from the WRC for the actions of the general public. 2. Council takes no action. Rely on WRC to carry out all enforcement under the RMA. This goes against the Comprehensive Stormwater Discharge Consent (CSDC) conditions and the MoU, significantly increasing the risk of increased liability costs and damage to our relationship with WRC and Tainui. 3. Place conditions in a bylaw that; <ul style="list-style-type: none"> • require high risk facilities to have appropriate interception systems and pollution control plans, • allow council to protect the network by putting in place devices on private premises if needed and recovering costs. <p>This approach should reduce the number of incidents of contamination, will help enable Council to meet its consent conditions and reduce liability and prosecution risk to Council should a third party contaminate the stormwater system. The bylaw would be supplemented by an education programme with specific requirements, giving clarity and certainty to property owners about how issues will be managed. This option places emphasis on a good quality education and engagement practices to ensure enforcement proceedings are minimised.</p> <p><u>Preferred option – Option 3. Reflected in clauses 7.1, 7.4 and 11 of the proposed bylaw</u></p>
2. Illegal connections	<p>There were 12 documented instances in 2013 where wastewater was discharged into the stormwater network.</p> <p>Wastewater connections</p>	<ol style="list-style-type: none"> 1. Rely on building consents (wastewater to stormwater connections), the District Plan (stormwater to wastewater connections) and the Health Act. Although there are some gaps in this process Council staff are able to

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Attachment 1 PROPOSED STORMWATER BYLAW 2015 ISSUES AND OPTIONS TABLE

	<p>are often made to Hamilton's stormwater network after building consent inspection processes have been completed.</p> <p>Cost recovery for wastewater to stormwater connections can range from \$500-\$6000 for remedial pipe works.</p> <p>There are over 300 incorrect stormwater to wastewater connections currently being dealt with in the Mangakotukutuku Catchment area.</p> <p>Cost of prosecution from breach of consent conditions could range between \$10,000 and \$50,000.</p>	<p>adequately manage these connections through either notices to fix or abatement notices. This approach goes some way to managing the risks to Council of prosecution. Council would still be liable for damage to the network and for quality of all stormwater exiting discharge points.</p> <p>2. Utilise the tools in option 1 and place clauses in a bylaw that set out how council will protect the network by:</p> <ul style="list-style-type: none"> • putting in place any devices on private premises if needed, • prohibiting discharges to networks not designed for that discharge and recovering costs of work. <p>This approach would give clarity regarding the disposal of stormwater and wastewater to the appropriate. It would help Council to meet its consent conditions, reduce liability and prosecution risk to Council should a third party contaminate the stormwater system. All options will be supplemented by an education programme with specific requirements, giving clarity and certainty to property owners about how issues will be managed. The options places emphasis on a good quality education and engagement practices to ensure enforcement proceedings are minimised.</p> <p><u>Preferred option - Option 2. Reflected in Clauses 7.1 and 7.4.</u></p>
<p>3. Failure to maintain private stormwater devices</p>	<p>Private devices, such as rain gardens and tanks, may be required to manage stormwater under the Proposed District Plan (PDP) and they require ongoing management to ensure effectiveness. If devices become ineffective or are removed this can lead to flooding over public or neighbouring private property, erosion effects and unnecessary capacity upgrades. This issue has not yet been quantified</p>	<p>1. Rely on PDP consent rules and education to support the resource consent conditions. However this does not provide expedient process to discourage removal of, or damage to approved devices. The consent conditions only apply to consent holders it does not address the issue of damage by external parties.</p> <p>2. Place clauses within the proposed bylaw that support consent conditions, ensure that stormwater devices are maintained to an approved standard and that council can respond to damage to devices. With support of an education programme it provides Council a quick and relatively inexpensive response tool that will reduce the impacts of a significant flood event and</p>

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Attachment 1 PROPOSED STORMWATER BYLAW 2015 ISSUES AND OPTIONS TABLE

	<p>due to the recentness of this PDP requirement but once implemented, many greenfield development and some infill areas will have these devices.</p> <p>The inability for a network to convey the unanticipated stormwater will affect level of service for the stormwater network and may require expensive and complex District Court processes to reinstate devices, restore capacity, upgrade the network and recover costs.</p> <p>Resource Consent conditions are being developed; however in instances where the stormwater device is shared privately within a subdivision the process for taking action against one individual under the RMA can be difficult and costly.</p>	<p>subsequent damage to the network and other properties owners' property. Also enables Council to carry out remedial work when required (and recover costs).</p> <p><u>Preferred option – Option 2 Reflected in clauses 7.4 and 11 of the proposed bylaw</u></p> <p><u>Note:</u> It is important to highlight that the PDP and a bylaw would work hand in hand. The proposed bylaw has been reviewed against the PDP to ensure a consistent approach. The PDP responds to issues arising from new developments whereas the bylaw is able to address existing issues and those not covered by the PDP.</p>
<p>4. Physical damage to stormwater network</p>	<p>Physical damage to the stormwater network by a third party can lead to flooding, erosion, sedimentation and further damage to Council and private property. For the publicly owned network (currently valued at \$561 million), there has been an average of 10 known instances a year of damage to the stormwater network. However the extent of the physical damage to the network may only be realised in the future, when a storm event</p>	<ol style="list-style-type: none"> 1. Rely on current Acts, including: <ul style="list-style-type: none"> • Soil Conservation and Rivers Control Act 1941, used for natural water course damage. • Building Act 2004 through issuing a Notice To Fix, which more aptly applies to new buildings. • LGA 2002 s175 and s232 where Council can recover costs for damage by willful, malicious or negligent behaviour. • LGA 1974 s468 with the limitation that this is limited to tree root damage and would not cover any downstream effects. Full cost recovery from third party damage has proven to be difficult to obtain through the above legislative mechanisms. 2. Place clause in the proposed bylaw that; <ul style="list-style-type: none"> • Prohibits damage to the network. • Empowers relevant sections in the LGA (163, 176, 186 and 187) that, when the

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Attachment 1 PROPOSED STORMWATER BYLAW 2015 ISSUES AND OPTIONS TABLE

	<p>occurs or when holes start appearing in the road (for example). Council currently has to either absorb these costs or go through a costly court case to recoup them.</p>	<p>bylaw has been breached, allow Council to carry out remedial work if required and charge back costs to the person who caused damages.</p> <p>The key implication is that a bylaw would simplify the issue and process; thereby ensuring Council can apply the appropriate responses and increased ability to provide clarity to residential and commercial ratepayers. Reduces risk of Council breaching consent conditions.</p> <p><u>Preferred option - Option 2. Reflected in clause 7.2 and 11 of the proposed bylaw</u></p>
<p>5. Obstruction of the stormwater network resulting in flooding</p>	<p>This includes blockage of the network (pipes, catchpits and manholes and overland flow paths) and waterways, with either physical items, or landscaping (such as removal of vegetation). This can result in damage, reduced capacity and flooding.</p>	<p>All options work alongside an education programme.</p> <ol style="list-style-type: none"> 1. Manage blockage of waterways under key legislation, including; <ol style="list-style-type: none"> a. Emergency Provisions under s330 of the RMA, b. Building Act s124 (if it is deemed to be dangerous or unsanitary), c. Land Drainage Act 1908, d. Litter Act 1979, e. Waste Minimisation Act 2008, f. Solid Waste Bylaw 2013, and g. City Parks, Domains and Reserves Bylaw 2012. <p>These legislative options only partially address the issue and do not cover the whole of the stormwater network.</p> 2. Place clauses in the proposed bylaw that; <ul style="list-style-type: none"> • Prohibit obstruction of any part of the network. • Empower relevant sections in the LGA (163, 176, 186 and 187) that, when the bylaw has been breached, allow Council to carry out remedial work if required and charge back costs to the person who caused damages. <p>This option provides coverage of the entire network. A bylaw would simplify the issue thereby ensuring Council can apply the appropriate responses and increased ability to provide clarity to residential and commercial ratepayers.</p> <p><u>Preferred option - Option 2. Reflected in clause 7.3 and 11 of the proposed bylaw</u></p>
<p>5. Limited ability to access property for</p>	<p>In order to assess if a site is being managed appropriately for</p>	<ol style="list-style-type: none"> 1. Rely on access rights under: <ul style="list-style-type: none"> • LGA s171 (General power of entry). As stormwater is core infrastructure, this

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Attachment 1 PROPOSED STORMWATER BYLAW 2015 ISSUES AND OPTIONS TABLE

<p>auditing and inspection of Pollution Control documents</p>	<p>stormwater effects Council needs access onto private land to:</p> <ul style="list-style-type: none"> • Inspect, maintain and monitor the land, structure, channels or infrastructure associated with stormwater drainage. • Have access to and inspect plans and documentation of processes to ensure on going compliance with the CSDC. • Have the ability to audit sites to ensure compliance with CSDC. • Trace spills • Assist WRC in the initial investigation of discharges that may result in prosecution under the RMA. 	<p>provides extensive powers of entry.</p> <ul style="list-style-type: none"> • RMA s330 which allows entry to private land in known emergency situations. It can be hard to establish if there is an emergency situation with stormwater contamination until after initial investigations have been completed. This option also does not provide for good access to investigate or access to pollution management documentation. <p>2. Place clauses in the proposed bylaw that clarify access rights. This option provides clarity about when Council can enter property for the purposes of assessing risk and appropriate management of stormwater devices to prevent contamination from entering the network. This manages the risks around the CSDC.</p> <p><u>Preferred option – Option 2. Reflected in clause 8.</u></p>
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Hamilton City Council
BYLAWS



Approved By:	Date Adopted :
Date In Force: Section 7.1(e) - 12 months from enforcement date Section 7.1(f) – 6 months from enforcement date	Review Date:

PROPOSED HAMILTON CITY STORMWATER BYLAW 2015

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Hamilton City Council BYLAWS



Hamilton City Council, in exercise of its powers and authorities conferred on it under the Local Government Act 2002 (LGA 2002) and the Health Act 1956 and any subsequent amendments to the Acts and all other relevant powers, makes the following bylaw.

1. INTRODUCTION

Hamilton City Council has the ability to make bylaws for regulating and protecting land drainage. In addition, Council has a duty under s17 of the Waikato River Settlement Act 2010, to have regard to the Vision and Strategy for the Waikato River, which lists water degradation as a fundamental issue to be resolved. Hamilton City's Comprehensive Stormwater Discharge resource consent and Stormwater Management Plan aims to manage stormwater discharge for quality and quantity and to avoid, remedy and mitigate any adverse effects on the environment. The management of stormwater ultimately aims to assist in achieving the Vision and Strategy for the Waikato River by helping to protect aquatic habitats, minimising scour, erosion and flooding and improving bathing water quality.

(Note: the above introduction does not form part of this bylaw and is intended to be read as an introductory note)

2. SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1. The bylaw shall be known as the "Hamilton Stormwater Bylaw 2015".
- 1.2. The bylaw shall apply to the Hamilton City Council District.
- 1.3. The bylaw shall come into force on *(date to be determined)*

3. SCOPE

This bylaw shall apply to Hamilton pursuant to the LGA 2002 and any land, building, work, or property or catchment under the control of the Council, although situated beyond Council's district. This bylaw applies to both public and private stormwater systems and watercourses.

4. PURPOSE

- 4.1. The purposes of this bylaw are to enable Council to:
 - a) Manage the land, structure or infrastructure associated with stormwater drainage within its jurisdiction.
 - b) Protect and regulate against damage, misuse, or loss of the land, structures, or infrastructure associated with stormwater drainage.
 - c) Prevent the unauthorised use of the land, structures or infrastructure associated with stormwater drainage.
 - d) Ensure that streams and tributaries of the Waikato River, which form part of HCC's stormwater systems, remain clear and unobstructed.
 - e) Manage the entry of contaminants into the stormwater system.
 - f) Protect, promote, and maintain public health and safety.

5. COMPLIANCE WITH OTHER ACTS AND CODES

- 5.1. This Bylaw has been developed in accordance with all relevant legislation and guidance.
- 5.2. Compliance with the requirements of this bylaw does not remove the need to comply with the requirements of any Act, regulation or other bylaw.

Hamilton City Council BYLAWS



6. DEFINITIONS

6.1. In this bylaw except where inconsistent with the context:

Approval	Means approved in writing by the Council, either by resolution of the Council or by any Authorised Officer of the Council.
Authorised Officer	Means an employee or contractor of the Council warranted under the Local Government Act 2002, authorised to carry out general or specific duties in relation to stormwater including enforcement arising from any of the provisions of this act and this bylaw.
Council	Means Hamilton City Council or an employee or contractor of the Council appointed to carry out duties relating to Stormwater management.
Ecological device	Means a device such as fish ramps and constructed fish protection structures designed to preserve aquatic habitat.
High Risk Facility	Means a facility carrying out or intended to carry out any of the activities listed in the High Risk Facilities Register, and includes the land and buildings of the site. Council may, by resolution, specify any activity to be included in or removed from the High Risk Facilities Register.
Open Drain	Means any system that collects and transports stormwater or groundwater through a series of open channels or ditches, but may include culverts and pipes in areas of vehicle or road crossings.
Overland Flow Path	Means a secondary flow path or the overland route taken by any concentration of, or significant sheet flow of, stormwater on its way to a flood plain or second stormwater system.
Pollution Control Plan	Means a plan that includes appropriate policies, procedures and review timetable that is held onsite that guides appropriate management of any material either held on site or intended or likely to be onsite that may cause entry of prohibited materials into the stormwater system or any other breach of this bylaw.
Prohibited materials	Means anything that is not stormwater, including but not limited to substances that; <ol style="list-style-type: none">Pose a danger to lifePose a danger to public healthCause flooding of any building floor or sub-floor, or public roadwayCause damage to propertyCause a negative effect on the efficient operation of a stormwater systemCause damage to any facet of a stormwater systemCause erosion or subsidence of landCause long or short term adverse effects on the environmentCause adverse loss of riparian vegetationCause wastewater overflow to land or waterAnd means anything that causes a breach of any stormwater

Hamilton City Council BYLAWS



discharge consent condition binding Council

- Stormwater** Surface water runoff that:
- a) Enters or may enter the stormwater system as a result of a rain event and;
 - b) Contains any substance where the type and concentration of the substance is consistent with the contributing catchments landuse(s) and that of the receiving environment.
- Stormwater System** Includes any land, structure or infrastructure associated with stormwater drainage, including:
- a) **Private Stormwater System** - Means all privately owned components of a stormwater system which are located on private property, up to the point of discharge into the public stormwater system or a watercourse.
 - b) **Public Stormwater System** - Means all components of the stormwater system owned by the Council, including drains, kerb and channel, catch pits, pipes, manholes and lateral connections that carry away stormwater, whether or not any part of the system passes through private property.
 - c) **Watercourse** - Means a natural channel that conveys water whether or not it passes through private property. This includes channels where, due to seasonal variations, water does not flow.
- Wastewater System** Includes all pipes, fittings, manholes, pumps, pump stations; and any land, buildings, treatment works which are under the control of the Council for the purpose of providing a wastewater service.

7. STORMWATER SYSTEMS

7.1. Protection of Stormwater System

- a) A person must not, without the prior approval of Council, discharge or allow to be discharged anything other than stormwater to the stormwater system.
- b) A person must not store, transport, handle or use materials in a way which may result in prohibited materials entering the stormwater system.
- c) Any person undertaking earthworks must ensure that controls are in place to prevent sediments entering the stormwater system.
- d) Any person who knows of the entry or imminent entry of prohibited materials to the stormwater system must immediately:
 - i. Take all practicable steps to stop the imminent entry or further entry of any prohibited materials to the stormwater system; and
 - ii. Notify an authorised officer /Council as soon as reasonably practicable.
- e) Any owner or occupier or manager of a high risk facility must install and maintain appropriate private stormwater interception system to adequately eliminate or as far as practicable and otherwise minimise the risk of prohibited materials entering the public stormwater system.

Hamilton City Council BYLAWS



- f) Any owner or occupier of a high risk facility must develop, maintain and keep available for inspection a pollution control plan which eliminates as far as is practicable and otherwise minimise the risk of breach of this bylaw. Council may require the pollution control plan to be submitted for approval.
- g) The owner, occupier and all persons on the site of a high risk facility must comply with the requirements of the pollution control plan.

Note 1 (This note does not form part of the bylaw) –For further information on sediment control refer to the “A Guide to Sediment Control on Building Sites”.

Note 2: (This note does not form part of the bylaw) Where prohibited materials are not managed to the satisfaction of Council, Council may require the owner/occupier to divert the prohibited material to wastewater and apply for a tradewaste consent in accordance with the current Hamilton Tradewaste Bylaw.

7.2. Damage to Stormwater System

- a) No person shall cause or allow to be caused any damage to, or destroy any:
 - i. Dam
 - ii. Weir
 - iii. Stormwater detention device
 - iv. Swale
 - v. Overland flow path identified in a consent notice, other documents of Council or illustrated in integrated catchment management plans.
 - vi. Stopbank
 - vii. Headworks
 - viii. Building; or, treatment device
 - ix. Drainage reserve land
 - x. Ecological device
 - xi. Erosion and scour control structures
 - xii. Stormwater inlet structures
 - xiii. Stormwater outlet structures
 - xiv. Any other installation connected with the stormwater system and under control of the Council
- b) No person shall modify, interfere with or remove items listed in Clause 7.2 (a) without the prior approval of Council.
- c) Every person excavating or working around the public stormwater system must take due care to ensure that the excavation or work is carried out in a manner that does not damage and/or compromise the integrity of the stormwater system.
- d) Any person who knows of damage to a stormwater system must report it to Council or an Authorised Officer immediately.

Hamilton City Council BYLAWS



7.3. Obstructions and Capacity of the stormwater system

- a) A person must not, without the prior approval of Council:
 - i. Do anything that directly or indirectly obstructs, alters or impedes the natural flow of the stormwater system.
 - ii. Obstruct or hinder any facet of any public or private stormwater system in a manner that is likely to cause nuisance.
 - iii. Erect any structure or stop bank, grow any vegetation, deposit any waste or carry out any activity in a place or manner that is likely to cause nuisance to a public stormwater system during a storm event.
 - iv. Obstruct or alter any overland flow paths or flood plains identified in a consent notice, or other documents of council with any material or structures such as earth bunds, buildings, fences, retaining walls and rock gardens.
 - v. Pump or divert water into any watercourse or public stormwater system.
 - vi. Cause water to flow into a watercourse or public stormwater system from outside the Catchment Area where, in the opinion of the Authorised Officer, the water will overload the capacity or will otherwise interfere with the proper functioning of the watercourse or public stormwater system.

- b) A person must not, without the prior approval of Council,:
 - i. Stop, modify, divert or deepen any open drain or,
 - ii. Divert any open drain or otherwise cause stormwater to flow into the wastewater system without first obtaining written approval from Council.

7.4. Private Stormwater System

- a) Council may require an owner/ occupier to fix or upgrade private stormwater systems, at the owners cost, to meet original design specifications.
- b) No owner or occupier may, without Council's written approval, remove a private stormwater system or do anything which reduces it effectiveness.
- c) No person shall allow stormwater to enter the wastewater system without prior approval from Council.
- d) Owners and occupiers are responsible for ensuring the maintenance of any watercourse on their premises, including the removal of any obstruction that impedes or is likely to impede the free flow of water

8. ACCESS

- 8.1. In accordance with section 171 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land or building (other than a dwelling house) for routine inspection or monitoring or for post breach monitoring. The Authorised Officer must give at least 24 hours notice of the intended entry [if the land or buildings are unoccupied].
- 8.2. In accordance with section 171 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land or building (other than a dwelling house) of a high risk facility for routine inspection and monitoring. The Authorised Officer must give at least 24 hours notice of the intended entry [if the land or buildings are unoccupied].

Hamilton City Council BYLAWS



- 8.3. In accordance with section 171 of the Local Government Act 2002, an Authorised Officer may enter land for the purpose of detecting a breach of this bylaw if the Authorised Officer has reasonable grounds for suspecting that a breach has occurred or is occurring on the land. The Authorised Officer must give reasonable notice unless the giving of notice would defeat the purpose of entry.
- 8.4. In accordance with section 173 of the Local Government Act 2002, in the event of a sudden emergency causing or likely to cause damage to property or the environment or where there is danger to any works or adjoining property, an Authorised Officer may enter occupied land or buildings. Notice is not required.

9. FEES & CHARGES

- 9.1. In accordance with Sections 150 of the Local Government Act 2002, Council may charge a fee for any inspection or re-inspection or remedial work carried out under this Bylaw. Inspection and re-inspection fees will be set by Council through the Annual Plan process.

10. BREACHES

- 10.1. It is a breach of this bylaw to:
- a) Fail to comply with any requirement of this bylaw;
 - b) Fail to comply with any defect notice issued by an Authorised Officer pursuant to this bylaw;
 - c) Obstruct and Authorised Officer in the performance of their function under this bylaw.
- 10.2. The Authorised Officer may report breaches or imminent breaches to Waikato Regional Council and the Environment Protection Authority for further enforcement.
- 10.3. A person is not in breach of this Bylaw if that person proves that the act or omission complained of was:
- a) Necessary:
 - i. To save or protect life or health or prevent injury; or
 - ii. To comply with Council's obligations under the Health Act 1956 and any subsequent amendments
 - iii. To prevent serious damage to property; or
 - b) To avoid actual or likely damage to the environment; and
 - i. The conduct of the defendant was reasonable in the circumstances; and
 - ii. The effects of the act or omission were adequately remedied or mitigated by the defendant after the offence occurred.

11. REMEDIAL WORK COSTS OF REMEDYING DAMAGE ARISING FROM BREACH OF BYLAW

- 11.1. In accordance with section 186 of the Local Government Act 2002, if an Authorised Officer serves a notice on the owner or occupier requiring works to be carried out or materials to be provided in connection with the premises, Council or an Authorised Officer may carry out the work or provide the materials where the owner or occupier fails to comply with the notice, either:
- a) within the time specified in the notice, or

Hamilton City Council BYLAWS



- b) within 24 hours if notice certifies that the work is urgent, or
 - c) if the owner or occupier fails to proceed with the work with all reasonable speed.
- 11.2. In accordance with section 187 of the Local Government Act 2002, if an Authorised Officer serves a notice on any person under this bylaw, and the person fails to take the steps within the time specified, then Council or any Authorised Officer is authorised to take the steps set out in the notice. Council may recover the cost of doing the work, together with reasonable administrative and supervision charges.
- 11.3. In accordance with section 176 of the Local Government Act 2002, a person who has been convicted of any offence against this Bylaw is liable to pay to Council the costs of remedying any damage caused in the course of committing the offence. The costs must be assessed by a District Court Judge and are recoverable summarily as if they were a fine.
- 11.4. Costs recoverable under this clause are in addition to any other penalty for which the person who committed the offence is liable.
- 11.5. Costs recoverable under this clause are in addition to any other penalty under other legislation for which the person who committed the offence is liable.

12. OFFENCES AND PENALTIES

- 12.1. A person who breaches this bylaw and is convicted of an offence is liable to a penalty pursuant to Section 242 under the Local Government Act 2002.

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

Councillor: _____

Councillor: _____

Chief Executive: _____

Hamilton City Council Stormwater High Risk Facilities Register

High Risk Facilities Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

The following is a list of high risk facilities:

Activity	Reason for High Risk Classification
Mechanical workshops and service stations	These sites use and handle large volumes of oils and other petroleum products. Spillages of these substances are not uncommon, hence the greater risk of stormwater discharges to the environment.
Printers	Relatively large quantities of dyes and paints are handled at these sites. The risk of spillages is relatively high.
Spray painting facilities	Paints can not only be spilt at these sites but can enter stormwater as a consequence of drift from spray painting operations.
Meat, fish and shellfish processing industries	Wastes from these industries can typically have a high Biological Oxygen Demand (BOD). This can cause significant adverse effects.
Dairy products processing	Wastes from these industries can typically have a high BOD. This can cause significant adverse effects.
Waste management sites (transfer stations, compost sites, landfills etc.)	Litter, hazardous substances and high BOD wastes can all enter stormwater systems from these sites.
Truck wash facilities	The activity of truck washing can generate hazardous contaminants from trucks as well as sediments and wastes from spillages on site.
Unenclosed manufacturing and bulk storage of fertiliser	Fertilisers can give rise to high levels of nutrient in stormwater discharges. Where fertilisers are manufactured or stored in such a way that fertilisers can enter stormwater the risk of adverse effects is unacceptably high.
Textile fibre and textile processing industries where dyeing and washing of fabric occurs	Large quantities of dye and high BOD wastes (from wool scourers for instance) are handled on these site. The risk of spillages that could enter stormwater is high.
Tanneries and leather finishing	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is high.
Footwear manufacture	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages

Hamilton City Council Stormwater High Risk Facilities Register

	that could enter stormwater is higher.
Manufacture of paper and paper products	Hazardous substances such as chlorine based bleaches and dyes are regularly handled on these sites. The risk of spillages etc. entering stormwater can be high.
Manufacture or processing of chemicals, and of petroleum, coal, rubber and plastic products	The risk of spillages associated with hazardous substances used in these industries can be high.
Manufacture of clay, glass, plaster, masonry, asbestos and related mineral products	The risk of spillages associated with hazardous substances used in these industries can be high.
Manufacture of fabricated metal products, machinery and equipment	The risk of spillages associated with hazardous substances used in these industries can be high.
Electroplaters, Foundries, galvanizers and metal surfacing	The risk of spillages associated with hazardous substances used in these industries can be high.
Concrete batching plants and, asphalt manufacturing plants	The risk of spillages associated with hazardous substances used in these industries can be high.
Stock saleyards	High BOD run-off can be associated with these sites.
Bakeries	Outside washing of trays, dishes and pans can result in high BOD, fats, greases and detergents entering stormwater systems.
Car wash and valet services	High oil, solvent and solid discharges can occur from these activities.
Commercial laundries (excluding self-service laundrettes and Laundromats)	The risk of spillages associated with detergents, alkalis and salts used in this industry can be high.
Furniture/wood manufacturing and refinishing industries	Some of these industries work outside extensively, usually with no stormwater treatment, Contaminants such as sawdust, glues and alkali stripper solution in the stormwater coming out of these sites can include high solids, BOD and high pH.
Timber preservation, treatment and storage sites where chemically treated timber is sorted	A range of hazardous substances are used on these sites (e.g. Copper Chrome, Arsenic, Boron and copper-quinoline compounds). In addition, timber treatment chemicals have been shown to be able to leach from treated wood in storage.
Stockpiled tyres	Large quantities of tyres when ignited can produce hazardous air emissions and toxic effluent run-off which have adverse health and environmental implications.

Committee: Strategy & Policy Committee **Date:** 24 February 2015
Report Name: Proposed Dog Control Policy and Hamilton Dog Control Bylaw 2015 Statement of Proposal **Author:** Liz Hallsworth

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>This item affects Council's Dog Control Bylaw 2009 and Dog Control Policy 2009</i>
Financial status	<i>There is budget allocated for the review of this bylaw and policy.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.</i>

1. Purpose of the Report

- The purpose of this report is to present the Statement of Proposal, including draft amended Dog Control Policy (the policy) and the draft Hamilton Dog Control Bylaw 2015 (the draft bylaw) (Attachment 1) for Councils consideration and adoption to go out for public consultation.

3. Executive Summary

- At the [5th February 2014 Strategy and Policy Committee](#), Council determined that a policy supported by a bylaw is the most appropriate mechanism to deal with dog control matters within Hamilton.
- The proposed amendments to the bylaw and schedules are not considered to be inconsistent with the New Zealand Bill of Rights Act 1990.
- This report presents a draft Statement of Proposal and Summary of Information for consideration and adoption for consultation using the Special Consultative Procedure as set out in section 83 and 86 of the Local Government Act 2002.

7. Recommendations from Management – Recommendation to Council

That:

- the Report be received.
- Council determine that the proposed Dog Control Policy and Hamilton Dog Control Bylaw 2015 are the most appropriate form of policy and bylaw.

- c) Council determine that the proposed Hamilton Dog Control Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990.
- d) Council adopt the draft Statement of Proposal (including a Summary of Information, draft Dog Control Policy 2015, draft Hamilton Dog Control Bylaw 2015, and proposed Dog Control Exercise and Prohibited Areas Register) to commence public consultation.
- e) staff will report back to 26 May 2015 Strategy and Policy Committee following the completion of the public consultation and hearings.

8. Attachments

9. Attachment 1 - Statement of Proposal Hamilton Dog Control Bylaw 2015 and Dog Control Policy

10. Key Issues

11. Background
12. The Local Government Act 2002 (LGA 2002) requires a bylaw to be reviewed within 5 years of being made. [The Dog Control Act 1996](#) (The Act) requires that the policy is reviewed if the bylaw is being reviewed.
13. In line with The Act Council determined, at the [5 February 2014 Strategy and Policy committee, Item 8](#), that a bylaw to enable the enforcement of a policy is the most appropriate mechanism to address the issues of dog control in Hamilton.
14. At the [30 April 2014 Strategy and Policy Committee, Item 12](#), an update report outlined that the review had shown few issues with the current bylaw and policy other than the need for a more planned approach to off leash dog exercise areas.
15. A Dog Exercise Area Working Group was established and a Dog Exercise Area Plan was developed. This was adopted at the [19 November 2014 Strategy and Policy Committee meeting](#).
16. Proposed Hamilton Dog Control Bylaw 2015 and Policy
17. The bylaw gives effect to the policy. Proposed changes in the policy are therefore reflected by changes in the draft bylaw. The review of the current policy and bylaw has shown that they are working well to achieve the outcomes required by the Act. The majority of the proposed changes are administrative changes to the bylaw to enhance operational matters and provide greater flexibility to make future changes. The policy has also been reformatted into the current policy format.
18. Offences, penalties, and fees relating to infringement of the bylaw are provided for in the relevant provisions of the LGA 2002 and the Act. The policy and bylaw are enforced by warranted Council officers.
19. Consultation
20. In reviewing the current bylaw and policy staff consulted with the following key stakeholders
 - SPCA Waikato
 - Hamilton Dog Obedience Club
 - Waikato Canine Obedience Club
 - Phoenix Dog Training Group
 - Waikato Agility Group

- Kool K9 Training Limited
- K9 Sense
- Te Hā o te Whenua o Kirikiriroa (mana whenua)

21. In general the feedback on both the policy and bylaw and how it has functioned over the last 5 years has been very positive.
22. As well as following the Special Consultative Procedure, from 4 March to 7 April 2015, letters will also be sent out to each owner of a registered dog outlining the proposed changes and outlining how to make a submission.
23. Identified issues and options to manage them
24. The table below outlines the key issues identified by key stakeholders and staff during the review and the options available for addressing them

Issue	Identified problem	Options
Confusion occurred due to there being no maps for dog exercise areas associated with the policy and bylaw	There are currently no maps associated with the dog exercise areas, which makes it hard to clearly identify the boundaries of the exercise areas.	<ol style="list-style-type: none"> 1. No change to the policy and bylaw, however this leaves the bylaw difficult to enforce and hard to understand by the community. 2. Attach maps to the bylaw as part of a register. This makes the bylaw easier to enforce and provides greater clarity. The maps can then be used on signage on the parks. <p>Preferred option- option 2 <i>Changes to bylaw clause 5 and include maps as part of a Dog Control Off Lead Exercise and Prohibited Areas Register.</i></p>
Dogs that roam repeatedly	There are some dogs that are repeatedly found roaming. When they roam they are at risk from getting hit by vehicles, are a potential risk to the public and have the potential to increase the dog population by breeding with other dogs.	<ol style="list-style-type: none"> 1. No change to the policy and bylaw and increase education. This will not reduce the consequences of dogs roaming. 2. Insert a clause in the bylaw which allows council to require the owners of repeat roamers to be neutered. This is likely to reduce the dogs urge to roam and prevent an increase in the dog population. <p>Preferred option – option 2 <i>This is reflected in changes to clause 13, 14 & 15 of the bylaw and updates to the policy</i></p>
Request for further dog exercise areas	Previously there had been no planned approach to dog exercise area provision across the city, which leads to some areas of the city not having any off lead dog exercise areas. With the expected increase in the dog population across the city this needed to be addressed. The Dog Exercise Area Working Group worked with	<ol style="list-style-type: none"> 1. No change to the off leash dog exercise areas in the Policy, Bylaw and register. This will mean that the Dog Exercise Area Plan will not be able to be implemented until the next review of the policy and bylaw. 2. Update the off leash dog exercise areas lists in line with the Dog Exercise Area Plan and reflect in the Dog Control Off Lead Exercise and Prohibited Areas Register. 3. Adjust the boundaries of the current off leash dog exercise areas in the parks so it is easier to identify where they stop and start

	<p>key stakeholders and consulted with the community on proposed changes to parks. This includes proposing new dog exercise areas on existing parks, a fully fenced area, and adjusting boundaries for the exercise areas on many current parks to keep them away from roads and to make them more intuitive to users.</p>	<p>on the ground but do not introduce any new areas. Preferred option- Option 2 <i>Changes to the policy and bylaw register</i></p>
<p>Clarification of multiple dog permit clause</p>	<p>Bylaw and policy do not clearly outline that permits for multiple dog ownership need to be renewed annually. This is causing confusion for dog owners. There is also a need to clarify that multiple dog permits may be revoked for non compliance.</p>	<p>1. Keep the bylaw as it is currently and rely on education. This is not likely to be as effective as clarifying the bylaw and would not provide greater clarity on the ability of Council to revoke multiple dog permits for non compliance. 2. Change the bylaw to clarify that multiple dog permits are renewed annually and that a permit may be revoked or modified at any time for non-compliance. Preferred option –Option 2 <i>Changes to clause 8.1 of the bylaw</i></p>
<p>Definition of working dog</p>	<p>An amendment to the Act in 2011 changed the definition of working dogs in terms of security dogs. This needs to be reflected in the bylaw.</p>	<p>1. Update the bylaw in line with Amendment to the Act. Preferred option – Option 1 <i>Changes to bylaw definitions - clause 3</i></p>
<p>Clarify wording of Policy and Bylaw and align with Dog Control Act</p>	<p>Bylaw and policy include some rules that require clarity regarding whether they are mandatory or discretionary. Some terms used in the bylaw and policy do not align with those in the Act.</p>	<p>1. Update the wording to clarify which parts are mandatory and which include discretion for the dog owner. Update the wording in section 7 the bylaw to include the phrase “Registered address” and include in the definitions. Replace the word De-sex with the word neuter in the policy and bylaw and add the definition of neuter to the bylaw. Preferred option – Options 1 <i>Changes to the wording of the Bylaw and Policy</i></p>

25. Legislative requirements or legal issues

- 26. The LGA 2002 and the Act require that territorial authorities have both a Dog Control Policy, and a bylaw to give effect to that policy.
- 27. [Section 10](#) of the Act outlines the requirements of a Dog Control Policy (and therefore bylaw).
- 28. Section 10AA of the Act requires the Dog Control Policy to go out for Special Consultative Procedure as set out in section 86 of the LGA 2002.

29. Section 156 of the LGA 2002 sets out the procedure for making, amending, or revoking a bylaw made under this Act. The proposed Hamilton City Dog Control Bylaw 2015 does not exceed the prescribed powers or contradict the Act or the LGA 2002 in any way.
30. A Statement of Proposal (Attachment 1) has been prepared in accordance with Council's obligations under section 83 of the LGA 2002. The decision making process will be carried out in accordance with section 77 of the LGA 2002.
31. Under the LGA 2002, Council must consider whether the proposed bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.
32. Section 155(3) of the LGA 2002 imposes a requirement that no bylaw may be made which is inconsistent with the New Zealand Bill of Rights. The proposed Hamilton City Dog Control Bylaw 2015 is not considered to be inconsistent with the New Zealand Bill of Rights Act 1990.

33. Financial and Resourcing Implications

34. There are no financial or resourcing implications for the proposed changes to the bylaw or policy. Any changes to the costs of enforcing the bylaw and policy will be met within existing budgets.
35. Any changes to the number and types of dog exercise areas are to be considered as part of the 10-Year Plan development.

36. Risk

37. The proposed changes are able to be undertaken within the existing legislative frameworks and therefore pose little legislative or financial risk.

Signatory

Authoriser	Brian Croad, General Manager City Environments Group
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CONTENTS

STATEMENT OF PROPOSAL

Hamilton Dog Control Bylaw 2015 & Dog Control Policy

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 SUMMARY OF INFORMATION

SUMMARY OF INFORMATION

Council has reviewed the Hamilton City Dog Control Bylaw 2009 and Dog Control Policy 2009 under the Dog Control Act 1996 and Local Government Act 2002 and are proposing amendments.

Council has considered the proposed Hamilton Dog Control Bylaw 2015 and Dog Control Policy 2015 and determined:

- a. That the proposed Hamilton Dog Control Bylaw 2015 is the most appropriate form of bylaw.
- b. That the proposed Hamilton Dog Control Bylaw 2015 does not give rise to implications under the New Zealand Bills of Rights 1990.
- c. That the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act.

The period for making written submissions open **Wednesday 4 March 2015 and closes 4.00 pm on Tuesday 7 April 2015**. Submissions should be sent to Hamilton City Council, Strategy and Research Unit, Private Bag 3010, Hamilton 3240.

CONSULTATION AND SUBMISSIONS

In making a bylaw, the Council must use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002.

Anyone can make a submission about the proposed Hamilton City Dog Control Bylaw 2014 and Dog Control Policy 2015 and we encourage you to tell us your views.

For a copy of the Statement of Proposal, including the proposed bylaw and information about making a submission, members of the public can visit the Hamilton City Council website (www.hamilton.govt.nz/consultation). Alternatively, submission forms are available from all Hamilton City Council public libraries, and from the main reception of Council's main Municipal Building. For any queries please phone Strategy and Research (Ph. 07 838 6699).

Alternatively, simply write us a letter telling us what you agree with, what you don't agree with and why. Please indicate whether you would like to speak to your submission and include contact details.

STATEMENT OF PROPOSAL

POLICY AND BYLAW REVIEW AT A GLANCE

This Statement of Proposal has been prepared to fulfil the purposes of sections 83(1)(a) and 87(2)(a) of the Local Government Act 2002 (LGA 2002), and sections 10A and 10AA of the Dog Control Act 1996 (The Act).

The review of the policy and bylaw has shown it to be working effectively with the need for minor changes only. The following 6 issues have been raised.

Important facts:

- The Act requires all Councils to have a Dog Control Policy that;
 - Identifies sites or areas where dogs are prohibited.
 - Identifies dog exercise areas and off lead areas.
 - States which dogs classified as "Menacing" under Section 33A or 33C are required to be neutered.
- Council can also deal with other matters including, but not limited to, details of the policy in relation to—
 - i. fees or proposed fees; and
 - ii. owner education programmes; and
 - iii. dog obedience courses; and
 - iv. the classification of owners; and
 - v. disqualification of owners; and
 - vi. the issuing of infringement notices.
- The Act gives Councils the power to make bylaws to enable enforcement of that policy.

REASON FOR THE PROPOSAL

The Hamilton City Dog Control Policy 2009 is a mandatory response to The Act. The Dog Control Bylaw enables the enforcement of that policy.

The LGA 2002 requires Council to review the Dog Control Bylaw no later than 5 years after it was made.

The review of the Dog Control Bylaw 2009 triggers a parallel review of the Dog Control Policy 2009 to ensure it meets the legislative requirements and is consistent with, and adequately supports, the bylaw.

1. **Lack of maps for dog exercise areas associated with the policy and bylaw causing confusion.**
Preferred option - The addition of maps to a bylaw register.
2. **Dogs roaming repeatedly causing problems with safety and unwanted litters of puppies.**
Preferred option - A clause is proposed which allows council to require that dogs repeatedly found not under the owners control are neutered at the owner's expense.
3. **Request for further dog exercise areas**
Preferred option - Changes to the off lead dog exercise areas included in the Dog Control Exercise and Prohibited Areas Register are proposed, in line with Council's Dog Exercise Area Plan.
4. **Clarification of multiple dog permit clauses to prevent confusion**
Preferred option - New wording is proposed for the bylaw to clarify that multiple dog permits are renewed annually and that a permit may be revoked or modified at any time during the year if non-compliant.
5. **The definition of working dog changed in the Act**
Preferred option - The bylaw and policy have been updated in line with the 2011 amendment to the Act.
6. **Clarify wording of policy and bylaw**
Preferred option - Sections of the bylaw and policy have been updated to clarify the original intention of those sections.

A detailed discussion on issues identified with the bylaw and policy, and options considered, can be read on page 4.

STATEMENT OF PROPOSAL

ISSUES AND OPTIONS IN DETAIL:

Issue	Identified problem	Options
Confusion occurred due to there being no maps for dog exercise areas associated with the policy and bylaw	There are currently no maps associated with the dog exercise areas, which makes it hard to clearly identify the boundaries of the exercise areas.	<ol style="list-style-type: none"> 1. No change to the policy and bylaw, however this leaves the bylaw difficult to enforce and hard to understand by the community. 2. Attach maps to the bylaw as part of a register. This makes the bylaw easier to enforce and provides greater clarity. The maps can then be used on signage on the parks. <p>Preferred option- option 2 <i>Changes to bylaw clause 5 and include maps as part of a Dog Control Exercise and Prohibited Areas Register.</i></p>
Dogs that roam repeatedly	There are some dogs that are repeatedly found roaming. When they roam they are at risk from getting hit by vehicles, are a potential risk to the public and have the potential to increase the dog population by breeding with other dogs.	<ol style="list-style-type: none"> 1. No change to the policy and bylaw and increase education. This will not reduce the consequences of dogs roaming. 2. Insert a clause in the bylaw which allows council to require the owners of repeat roamers to be neutered. This is likely to reduce the dogs urge to roam and prevent an increase in the dog population. <p>Preferred option – option 2 <i>This is reflected in changes to clause 13, 14 & 15 of the bylaw and updates to the policy</i></p>
Request for further dog exercise areas	Previously there had been no planned approach to dog exercise area provision across the city, which leads to some areas of the city not having any off lead dog exercise areas. With the expected increase in the dog population across the city this needed to be addressed. The Dog Exercise Area Working Group worked with key stakeholders and consulted with the community on proposed changes to parks. This includes proposing new dog exercise areas on existing parks, a fully fenced area, and adjusting boundaries for the exercise areas on many current parks to keep them away from roads and to make them more intuitive to users.	<ol style="list-style-type: none"> 1. No change to the off lead dog exercise areas in the Policy, Bylaw and register. This will mean that the Dog Exercise Area Plan will not be able to be implemented until the next review of the policy and bylaw. 2. Update the off lead dog exercise areas lists in line with the Dog Exercise Area Plan and reflect in the Dog Control Exercise and Prohibited Areas Register. 3. Adjust the boundaries of the current off lead dog exercise areas in the parks so it is easier to identify where they stop and start on the ground but do not introduce any new areas. <p>Preferred option- Option 2 <i>Changes to the policy and bylaw register</i></p>
Clarification of multiple	Bylaw and policy do not clearly outline that permits	<ol style="list-style-type: none"> 1. Keep the bylaw as it is currently and rely on education. This is not likely to be as effective as clarifying the

STATEMENT OF PROPOSAL

dog permit clause	for multiple dog ownership need to be renewed annually. This is causing confusion for dog owners. There is also a need to clarify that multiple dog permits may be revoked for non compliance.	bylaw and would not provide greater clarity on the ability of Council to revoke multiple dog permits for non compliance. 2. Change the bylaw to clarify that multiple dog permits are renewed annually and that a permit may be revoked or modified at any time for non-compliance.
Definition of working dog	An amendment to the Act in 2011 changed the definition of working dogs in terms of security dogs. This needs to be reflected in the bylaw.	Preferred option – Option 2 Changes to clause 8.1 of the bylaw 1. Update the bylaw in line with Amendment to the Act. Preferred option – Option 1 Changes to bylaw definitions - clause 3
Clarify wording of Policy and Bylaw and align with Dog Control Act	Bylaw and policy include some rules that require clarity regarding whether they are mandatory or discretionary. Some terms used in the bylaw and policy do not align with those in the Act.	1. Update the wording to clarify which parts are mandatory and which include discretion for the dog owner. Update the wording in section 7 the bylaw to include the phrase “Registered address” and include in the definitions. Replace the word De-sex with the word neuter in the policy and bylaw and add the definition of neuter to the bylaw. Preferred option – Options 1 Changes to the wording of the Bylaw and Policy

DETERMINATION OF APPROPRIATENESS

Council’s Strategy and Policy Committee at its 5 February 2014 meeting, reviewed the issues related to the Hamilton City Dog Control Bylaw and determined that a bylaw is still the most appropriate way to address the issues identified.

The comprehensive review provides the opportunity to update the bylaw to meet current council and community needs in a clear and comprehensible way. The proposed bylaw update is internally consistent aligns with the purposes for which Council’s make bylaws under the Local Government Act 2002 and The Dog Control Act 1996.

FORM OF THE BYLAW

The proposed bylaw attached is considered the most appropriate form of bylaw for the purposes of public consultation

NEW ZEALAND BILL OF RIGHTS ACT 1990

Council has determined that the proposed bylaw and policy do not give rise to implications under the New Zealand Bill of Rights Act 1990. Council

has determined that the proposed bylaw and policy are not inconsistent with the New Zealand Bill of Rights Act 1990.

CONSULTATION AND SUBMISSIONS

We encourage you to tell us your views.

How to make a submission

For a copy of the Statement of Proposal, including the draft policy and a submission form, visit the Hamilton City Council website www.hamilton.govt.nz/consultation.

Submission forms are also available from all Hamilton City Council libraries, and from the Ground Floor reception of Council’s Municipal Building in Garden Place. For any queries please phone Council’s Strategy and Research Unit (Ph. 07 838 6699).

Submissions open **4 March 2015 and close 4.00 pm on Tuesday 7 April 2015**.

Submissions can be made via our website www.hamilton.govt.nz/consultation or can be sent to Hamilton City Council, Strategy and Research Unit, Private Bag 3010, Hamilton 3240.

PROPOSED DOG CONTROL POLICY 2015

The purpose of this policy is to state how Council will fulfil its legislative responsibilities pursuant to the Dog Control Act 1996 and the Dog Control Bylaw 2015.

Purpose and Scope

This Policy has been adopted pursuant to the functions, duties and powers conferred on Hamilton City Council ('Council') by the Dog Control Act 1996 (www.legislation.govt.nz) and takes into account:

1. The need to minimise danger, distress, and nuisance to the community generally; and
2. The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
3. The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
4. The exercise and recreational needs of dogs and their owners.
5. To enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners.
6. This policy applies to the whole of the district administered by Hamilton City Council, and other locations that are controlled by Hamilton City Council, now and in the future.

Policy

Education

1. Council considers that involvement in education, and liaison with dog clubs and other service providers, is an appropriate and valuable role. Dogs need to be trained and socialised so that they learn how to behave in a public environment. Council staff will undertake education initiatives with dog owners to enhance the knowledge and skill of dog owners on the care and control of dogs, with a particular focus on the owners of dogs with behavioural issues.
2. Council will also seek to enhance the knowledge of the public generally, particularly children, on safety around dogs and other dog-related issues. Liaison with dog obedience clubs and other service providers in the city is considered an important role for Council. Council will seek to develop a partnership with the clubs and service providers to achieve the objective of this policy.

Regulation and Enforcement

3. Council has formulated a Dog Control Bylaw that is the primary enforcement mechanism of this policy. The prohibited areas and exercise areas, including maps are set out in the Dog Control Off Lead Exercise and Prohibited Areas Register referred to in the Dog Control Bylaw 2015.

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4. Whilst Council will pursue education of dog owners and the public generally to avoid and minimise dog related issues in the city, enforcement of the provisions of the Dog Control Bylaw is critical to maintain public safety and to minimise danger, distress, and nuisance to the community from dogs.

Exercise Areas, Restricted Areas and Prohibited Areas

5. Council aims to provide appropriately for the exercise and recreational needs of dogs. Council has designated a number of areas within the city where dogs may exercise without being on a lead or similar device (see clause 6), and areas where dogs are prohibited (see clause 7).

6. Off Lead Dog Exercise Areas

Below are a list of parks within Hamilton City designated as Off Lead Dog Exercise Areas :

Aberfoyle Park
 Beetham Park
 Braithwaite Park*
 Bristol Park
 Chelmsford
 Claudelands Park*
 Crawshaw Park
 Days' Park
 Hamilton Gardens*
 Hammond Park*
 Innes Common*
 Lake Domain Reserve *
 Melville Park
 Minogue Park*
 Porritt Stadium*
 Pukete Farm Park
 Resthills Park*
 Tauhara Park*
 Te Kooti*
 Te Manatu*
 Temple View Reserve*
 Till's Lookout
 Waiwherowhero Park*

Maps of the of the Off Lead Dog Exercise Are for each park can be found in the Dog Control Off Lead Exercise and Prohibited Areas Register.

* The specific commencement dates and any details on rules for each of these off lead dog exercise areas can be found in the Dog Control Register

7. Below are a list of areas in Hamilton where dogs are prohibited:

- Within 10 metres of all areas of children's playgrounds,
- Hamilton West Cemetery,
- Hamilton Gardens Cemetery,
- Hamilton Gardens, Themed Gardens,
- Waiwhakareke Natural Heritage Park,
- Identified areas in:
 Hamilton Lake Domain, and

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Porritt Stadium.

8. Council's intention is to progressively upgrade the network of designated dog exercise areas within the city, and the associated facilities within those areas, to enhance provision for the exercise and recreational needs of dogs and their owners.

Neutering

9. Council will look to encourage **neutering** of dogs to support the overall aims of responsible dog ownership by reducing the number of roaming dogs, unwanted litters of puppies and the number of impounded dogs.
10. Council will require mandatory **neutering** of dogs classified as menacing in accordance with the provisions of the Dog Control Act 1996. Mandatory **neutering** also includes dogs classified as menacing by other territorial authorities where that dog is in the jurisdiction of Hamilton City Council.
11. **Council may require the owner of a dog to cause that dog to be neutered if the dog has, on more than one occasion in a 12-month period, not been kept under control.**

Probationary Owners

12. Council may require a person that is classified as a probationary owner in accordance with the provisions of the Dog Control Act 1996 to undertake, at his or her own expense, a dog owner education programme or a dog obedience course (or both) approved by Council.

Fees and Charges

13. The Dog Control Act 1996 empowers Council to impose reasonable fees and charges for the registration and control of dogs. The fees and charges aim to incentivise through the use of fee categories and discounts, responsible dog ownership, and the prompt payment of registration fees. The fees and charges will be prescribed each year on the Schedule of Fees and Charges through the Annual Plan.

Implementation processes

The policy will be implemented using a combination of public education, liaison with other service providers, and where necessary enforcement action.

The Policy is enforced through the Hamilton City Dog Control Bylaw 2015.

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Approved By:	Date Adopted:
Date In Force:	Review Date:

Proposed Hamilton Dog Control Bylaw 2015

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1. SHORT TITLE

This bylaw may be cited as the Dog Control Bylaw 2015.

2. PURPOSE

The purpose of the bylaw is:

- a) To give effect to Council's Dog Control Policy.
- b) To protect and maintain public safety.
- c) To address how Council will fulfil its functions and duties pursuant to the Dog Control Act 1996.

This bylaw gives effect to the Dog Control Policy for the city, the objective of which is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, whilst minimising danger, distress, and nuisance to the community generally.

This bylaw shall apply to the whole of the district administered by Hamilton City Council, and other locations that are controlled by Hamilton City Council, now and in the future.

3. DEFINITIONS

In this bylaw except where inconsistent with the context:

Council	means Hamilton City Council.
Dog Control Officer	has the same meaning as defined in the Dog Control Act 1996.
Owner	has the same meaning as defined in the Dog Control Act 1996.
Neuter	has the same meaning as defined in the Dog Control Act 1996
Private Way	has the same meaning as defined in Section 315(1) of the Local Government Act 1974.
Public Place	has the same meaning as defined in the Dog Control Act 1996.
Registered Address	means the dog owner's property, the address listed in the dog's registration, or another address which the Council has agreed to in writing for the purpose of clause 7.
Working Dog	has the same meaning as defined in <u>section 2 of the Dog Control Act 1996, but excluding (b)(ii) - 'kept solely or principally for the purposes of herding or driving stock', (b)(v) - 'owned by a security guard property guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purposes of carrying on the business of a security guard' purpose of doing the things specified in section 9(1)(a) to (c) of that Act', and (b)(vi) - declared by resolution of the territorial authority to be a working dog for the purposes of this Act', or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.'</u>

4. CONTROL OF DOGS IN PUBLIC PLACES

- 4.1. Every owner of a dog **must** exercise control over it and **must** prevent it from wandering or remaining at large or free in any public place or private way.

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- 4.2. Except as provided in clauses 4.3 and 4.4, every owner of a dog in any public place or private way must secure the dog by an effective lead or similar contrivance which keeps the dog under continuous control.
- 4.3. Dogs may be exercised free of restraint in those locations specified in the Dog Control Off Lead Exercise and Prohibited Areas Register, Part 1 as designated off lead dog exercise areas. The owner must maintain continuous control over the dog and remain within the dog exercise area while the dog is off its lead.
- 4.4. Dogs in the process of immediately accessing game hunting areas are exempt from the lead requirements outlined in clause 4.1 above, however the dog must be kept under the direct control of the owner at all times.

5. DOG EXERCISE AREAS

- 5.1. Dogs may be exercised free of restraint in those locations specified in the Dog Control Register as being designated off lead dog exercise areas. The owner must have continuous control of the dog and remain within the dog exercise area while the dog is off its lead.
- 5.2. The Dog Control Off Lead Exercise and Prohibited Areas Register, Part 1, lists each Off Lead Dog Exercise Area with the date from which each area is available to be used as an Off Lead Dog Exercise Area and any rules that apply to its use as such.
- 5.3. Council may, by resolution, amend the commencement date of an Off Lead Dog Exercise Area within the Dog Control Register.

6. PROHIBITED AREAS

- 6.1. Dogs are not allowed to enter the public places specified in Part 2 of the Dog Control Off Lead Exercise and Prohibited Areas Register as being prohibited areas, whether under control or not. However, the owner of a working dog may enter with that dog into any prohibited area.

7. PREVENTION OF PUBLIC NUISANCE

- 7.1. The owner or any person in possession or control of any dog that defecates in a public place or on land or premises occupied by anyone other than the owner of the dog must immediately remove the faeces and dispose of them in a legal manner.
- 7.2. Every owner of a dog that has a contagious disease must ensure that it is confined at all times within its registered address, or when not at this address fully contained within a cage that prevents contact with other animals, domestic or otherwise, or fully enclosed and secured within a vehicle.
- 7.3. Every owner of a dog must prevent it from attacking any person or any other animal.
- 7.4. A bitch in season may only be allowed outside the registered address when under the direct control of the dog owner or a person over the age of 16, and must be on a lead at all times. Despite clause 4.3 a bitch in season must not be exercised off lead in any area of Hamilton including Off Lead Dog Exercise Areas in Part 1 of the Dog Control Off Lead Exercise and Prohibited Areas Register, and game hunting areas. This clause does not relieve the dog owner of responsibility to provide adequate exercise as required by section 54(1)(b) of the Dog Control Act 1996.

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8. LIMITATION ON NUMBER OF DOGS

- 8.1. No person shall keep, or permit to be kept, on or within any premises within the city, more than two (2) dogs of greater age than three months unless such premises have been approved by a dog control officer and a permit issued. Such permit will be subject to a fee approved and set by Council through the Annual Plan process and will be subject to renewal annually.
- 8.2. Approval by a dog control officer of the above permit will only be given subject to compliance by the owner with any reasonable requirements imposed by the dog control officer for the purpose of ensuring proper care and control of the dogs and the prevention of any nuisance.
- 8.3. On the expiry of any permit or at any other time, any approval given during that year for any person to keep more than two (2) dogs on their premises may be reviewed by a dog control officer. On review, the approval may be modified or revoked in the event of non-compliance with any condition of approval over the period of the permit under review. Renewal of a permit will be subject to a fee set by Council through the Annual Plan process.

9. MENACING DOGS

- 9.1. Any dog that Council classifies as menacing pursuant to the Dog Control Act 1996 must be neutered within one month after the receipt of the notice of classification. If the dog is not in a fit condition to be neutered within the specified time, the owner must produce a certificate from a registered veterinarian certifying that the dog is not in a fit condition to be neutered, and if the condition continues produce a new certificate as specified within section 33E of the Dog Control Act 1996.

10. PROBATIONARY OWNERS

- 10.1. If any owner of a dog is classified as a probationary owner pursuant to the Dog Control Act 1996, Council may require at its discretion the person to complete at his or her expense, a dog owner education programme or a dog obedience course (or both).

11. DOGS WITHIN PARKS

- 11.1. Every person must prevent any dog within their care and/or control from interfering with the use or enjoyment of any park by other persons in that park.
- 11.2. An owner of a dog that is not a working dog as defined in this bylaw, must prevent his or her dog from entering any place specified in Part 2 of the Dog Control Register, or within 10 metres of the perimeter of any playground on any park at any time (whether marked with a perimeter fence or not).

12. IMPOUNDMENT OF DOGS

- 12.1. Any dog found at large in any public place, whether or not the dog is wearing a collar having the proper registration label or disc attached; or found at large in any public or private way in breach of this bylaw, may be impounded by a dog control officer.
- 12.2. The owner of any dog impounded shall pay to the Council reasonable fees for the sustenance of the dog and for the giving of notice to the owner, together with a poundage fee as set through the Annual Plan process.

13. REQUIREMENT TO NEUTER UNCONTROLLED DOG

- 13.1. The council may require the owner of a dog to cause that dog to be neutered if that owner has breached, on more than one occasion within a 12-month period, any of the subclauses

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4.1-4.4 or 5.1 or 6.1 in respect of that dog. It is sufficient if the same sub-clause is breached twice or if two of the subclauses are breached.

14. OBJECTION TO REQUIREMENT TO NEUTER UNCONTROLLED DOG

14.1. If a dog is required to be neutered under clause 13, the owner of that dog –

(a) may, within 14 days of receiving the notice, object in writing to the council in regard to the requirement; and

(b) has the right to be heard in support of the objection.

14.2. The council when considering an objection under subclause (1) may uphold or rescind the requirement, and in making its determination must have regard to—

(a) the evidence which formed the basis for the requirement;

(b) the matters relied upon in support of the objection; and

(c) any other relevant matters.

14.3. The council must, as soon as practicable, give written notice to the owner of—

(a) its determination of the objection; and

(b) the reasons for its determination.

15. EFFECT OF REQUIREMENT TO NEUTER AN UNCONTROLLED DOG

15.1. If a dog is required to be neutered, the owner of that dog must, within 1 month after receipt of the notice of the requirement, produce to the council a certificate issued by a veterinarian certifying –

(a) that the dog is or has been neutered; or

(b) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

(c) must, if a certificate under subclause (1)(b) is produced to the council, produce to the council, within 1 month after the date specified in that certificate, a further certificate under subclause (1)(a).

16. PENALTIES

16.1. Any person who acts in breach of this Bylaw commits an offence and is liable upon conviction to a penalty, as provided for under the Local Government Act 2002.

The foregoing Bylaw was duly made by the Hamilton City Council by a resolution passed on the DAY day of MONTH 2015 following consideration of submissions received during the special consultative procedure. This Bylaw repeals and replaces the Hamilton City Dog Control Bylaw 2009. The Hamilton Dog Control Bylaw 2015 was ordered to come into force on the DAY day of MONTH 2015.

The COMMON SEAL of the HAMILTON CITY

COUNCIL was hereunto affixed in the presence of:

Councillor _____

Chief Executive _____

DOG CONTROL OFF LEAD EXERCISE AND PROHIBITED AREAS

PART 1 – AREAS WITHIN HAMILTON CITY DESIGNATED AS OFF-LEAD DOG EXERCISE AREAS

Key:

-  Identifies off lead areas in current use
-  Identifies off lead areas proposed and the date from which they will be available to be used as off lead areas
-  Prohibited areas (no dogs allowed)

Aberfoyle Park – New area to be used from 1 November 2018



Bristol Park



Chelmsford – New Area to be used from 1 November 2018

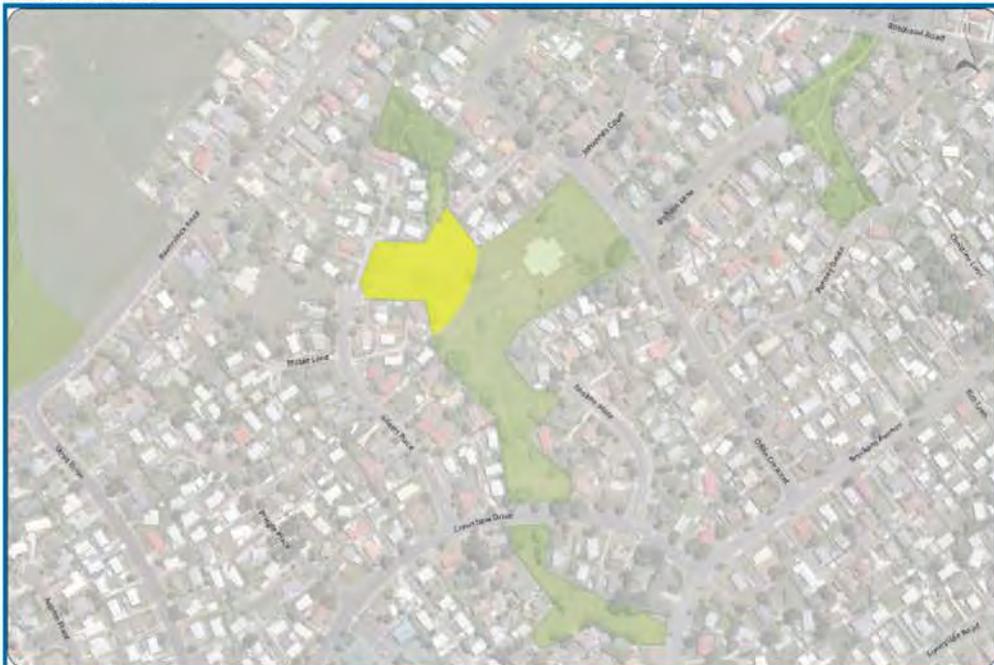


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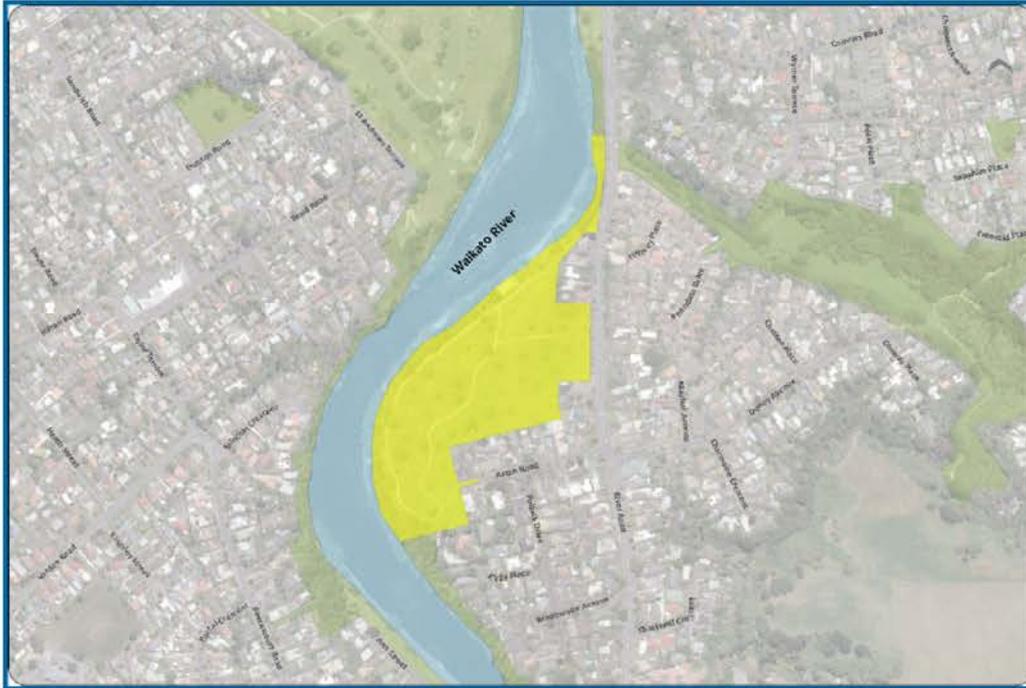
Claudlands Park - Extended area to be used from 1 November 2016



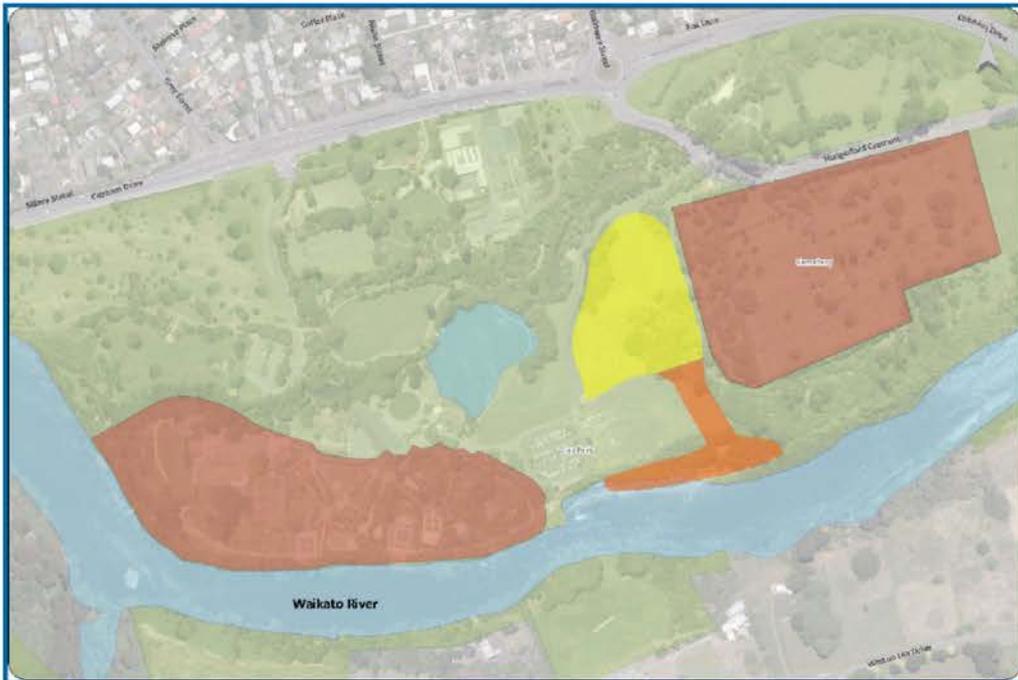
Crawshaw Park



Days' Park



Hamilton Gardens - Extended area to be used from 1 November 2015



Hamilton Lake Domain – New Area to be used from 1 November 2017



Melville Park - Extended area to be used from commencement date of the Hamilton Dog Control Bylaw 2015

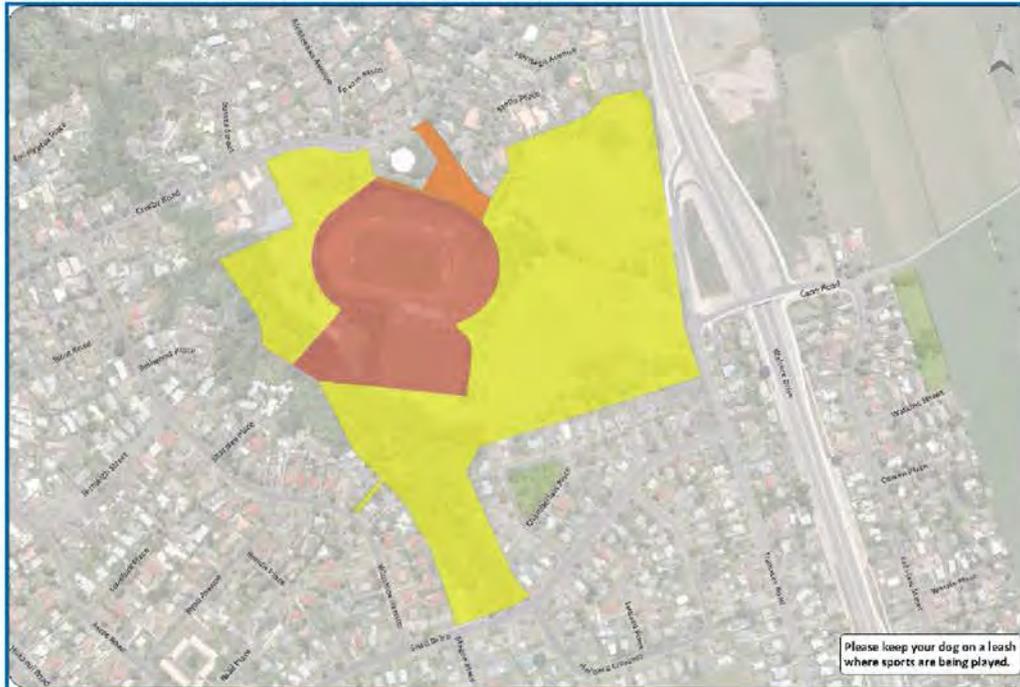


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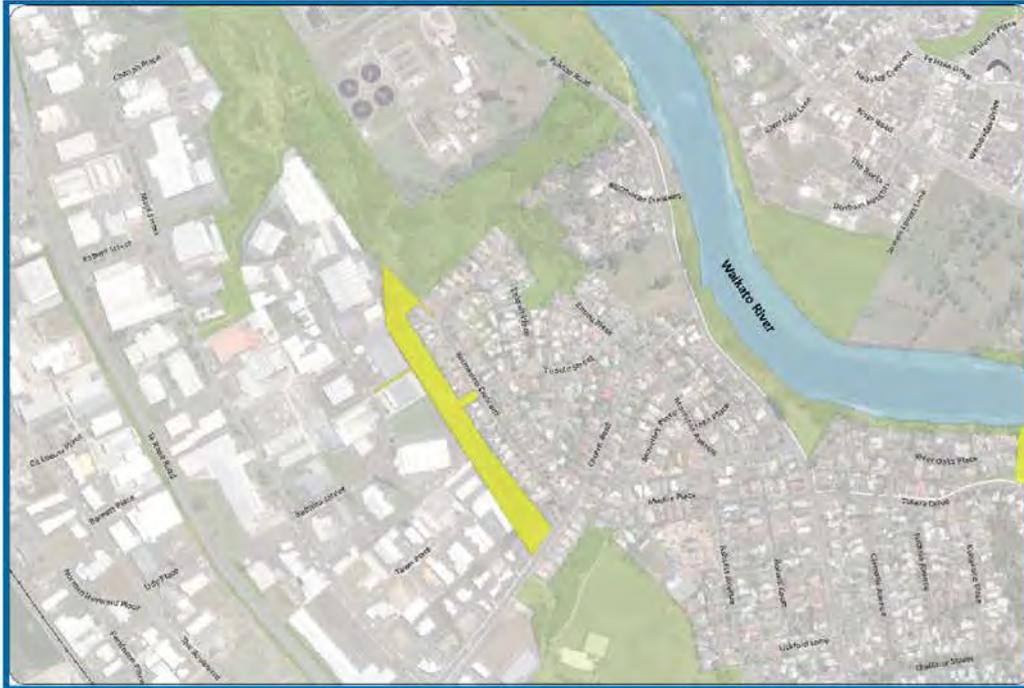
Minogoue Park



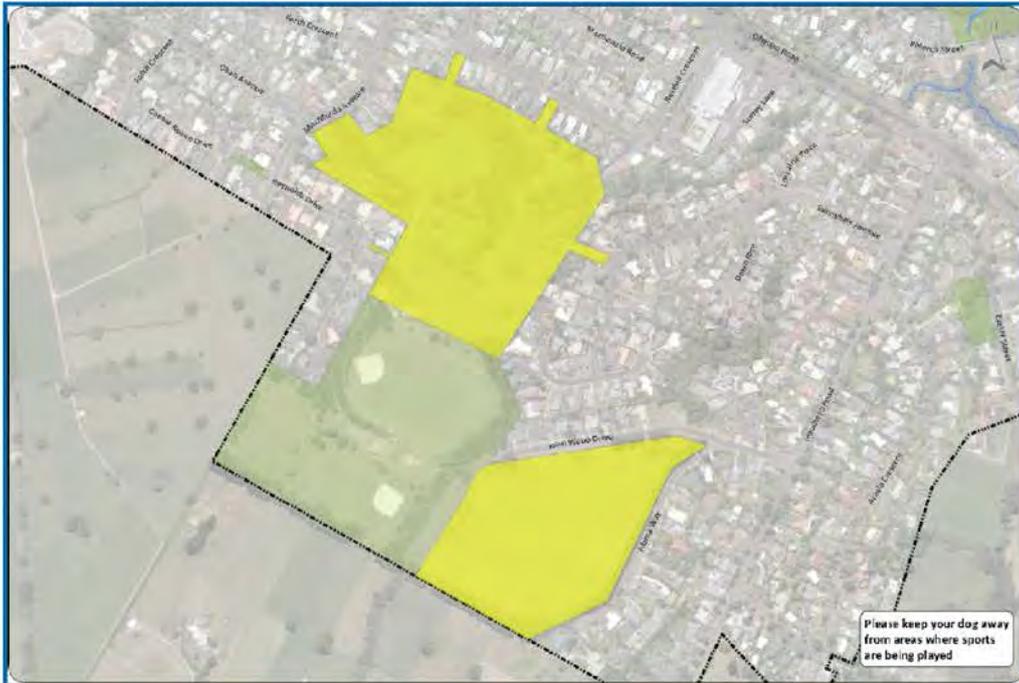
Porritt Stadium - Extended area to be used from 1 November 2015



Pukete Farm Park



Resthills Park – Area to be reduced from 1 November 2015



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Tauhara Park - Extended area to be used from 1 November 2015



Te Kooti – New Area to be used from 1 November 2018



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Te Manatu – Area to be used from 1 November 2018.

Te Manatu park, as mapped below, may be used as a Trial Off Lead Dog Exercise Area once signs have been erected at the park identifying the Trial Off Lead Dog Exercise Area.

The park will remain a Trial Off Lead Dog Exercise Area until the Te Manatu Park Management Plan has been prepared in Accordance with the Reserves Act 1977. The Te Manatu Park Management Plan will determine whether the trial area becomes a permanent Off Lead Dog Exercise Area .



Temple View Reserve – New Area to be used from 1 November 2017

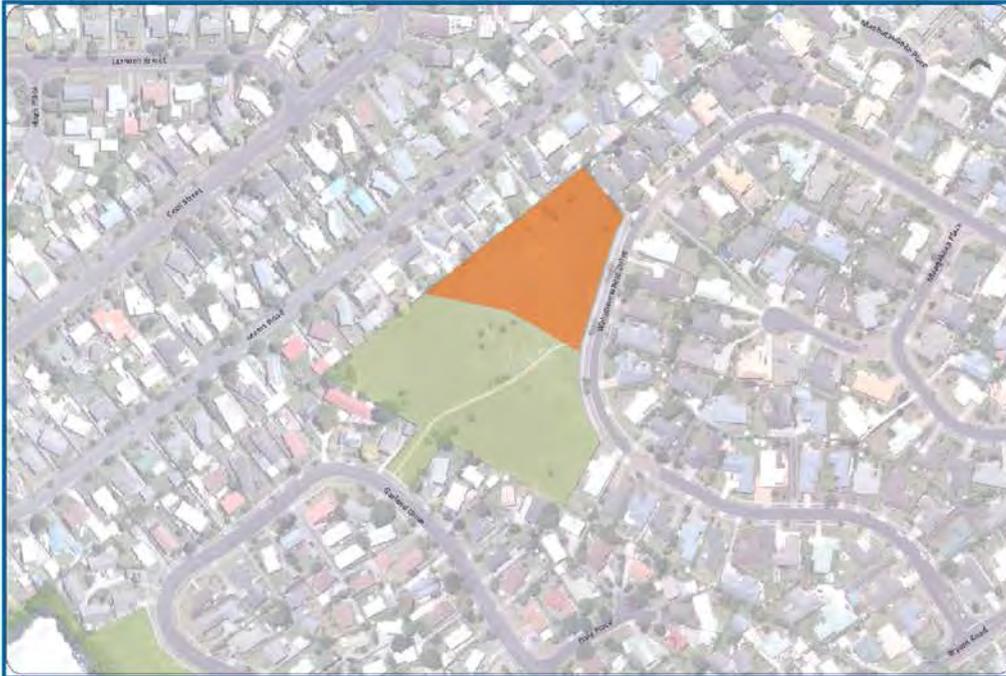


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Till's Lookout



Waiwherohero Park – New area to be used from 1 November 2018



PART 2 - AREAS WITHIN HAMILTON CITY WHERE DOGS ARE PROHIBITED

Note:

1. Prohibited areas shown above within the maps for:
 - a. Hamilton Gardens Cemetery,
 - b. Hamilton Lake Domain, and
 - c. Porritt Stadium.
2. Dogs are prohibited within 10 metres of all areas of children's playgrounds.

Hamilton West Cemetery

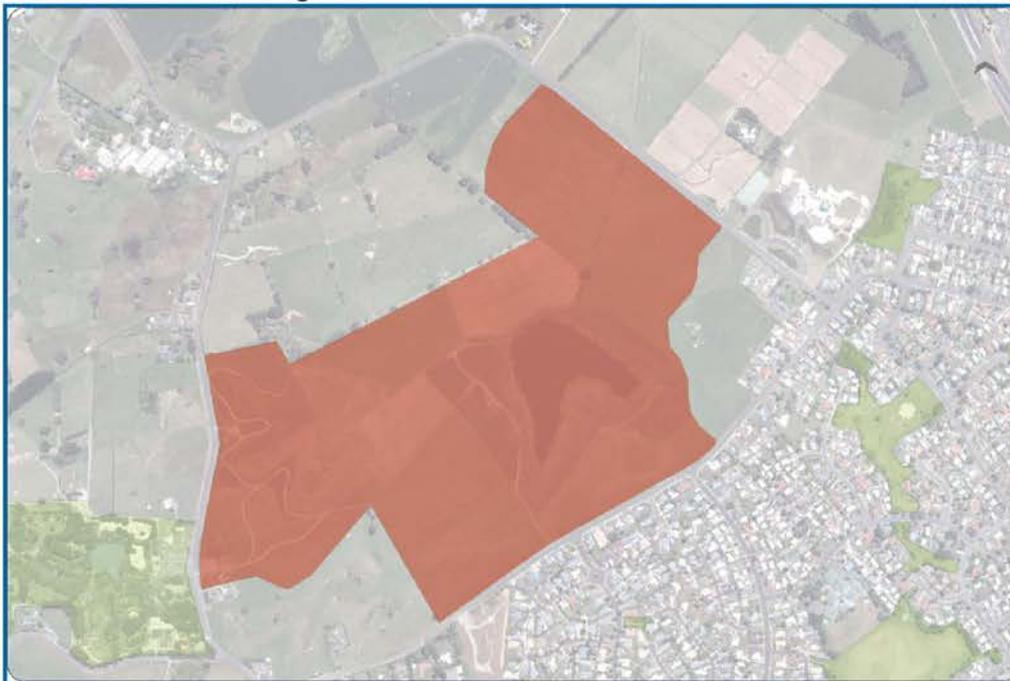


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Hamilton Gardens



Waiwhakareke Natural Heritage Park



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SUBMISSION FORM
PROPOSED HAMILTON DOG CONTROL BYLAW 2015 AND DOG CONTROL POLICY

SECTION 1 Please print your details clearly

Name: Mr / Mrs / Miss / Ms _____

Organisation: _____

Address: _____

Phone: (day) _____ (evening) _____

Email: _____

Please note all submissions are treated as public documents and will be loaded on to the Council's website with the names and contact details of submitters included.

Important

Do you wish to speak about your submission at a Council hearing?

Yes No If you **do not** tick a box we will assume that you **do not wish to speak at a hearing.**

- Hearings are anticipated to be held in April 2015. Please note if you indicated that you wish to be heard, we will contact you once hearing dates have been finalised.

SECTION 2 Please print clearly

In general do you support the proposed changes to the bylaw and policy? (Please tick one option only)

Yes

No

Do you have any specific comments in relation to the bylaw or policy? Please state whether you are talking about the bylaw and/or policy and which sections.

Comment(s): _____

Comment(s): _____

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Do you have any specific comments in relation to the proposed changes to off lead dog exercise areas?
(If you wish to comment about a specific park please name the park at the beginning of the comment.)

Park: _____

Comment(s): _____

Park: _____

Comment(s): _____

Park: _____

Comment(s): _____

Submissions can be:

- submitted online : www.hamilton.co.nz/consultation
- posted: Freepost 172189, Strategy & Research Unit, Hamilton City Council, Private Bag 3010, Hamilton 3240
- delivered to the main reception, ground floor of Council Building, Garden Place

Important Reminder: Submissions must reach Council by 4.00pm 7 April 2015. Late submissions will not be accepted.

Thank you for your submission

Committee: Strategy & Policy Committee **Date:** 24 February 2015
Report Name: Open Air Burning Bylaw 2015 **Author:** Liz Hallsworth
 Deliberation and Adoption
 Report

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

1. Purpose of the Report

2. To provide an overview of submissions and issues raised during consultation in relation to the proposed Hamilton Open Air Burning Bylaw 2014.
3. A proposed Open Air Burning Bylaw 2015 is presented to Council for consideration and adoption.

4. Executive Summary

5. The draft Hamilton Open Air Burning Bylaw 2014 was adopted for consultation at the [15 October Strategy & Policy Committee](#).
6. The submission period was open from 5 November 2014 to 3 December 2014. This included two public information sessions held on Monday 24 October 2014 (lunchtime & evening).
7. Eleven submissions were received, with no submitters requesting to speak at the hearing on Tuesday 16 December 2014. The majority of submitters (73%) supported the proposed bylaw in principle. For an overview of the submissions, please see Attachment 1.
8. The individual submissions are available to view on Council's website at www.hamilton.govt.nz/consultation.
9. A number of issues were raised through the consultation. To clarify the intent of the bylaw staff are recommending minor amendments.
10. The Open Air Burning Bylaw 2015 is attached (Attachment 2), with proposed changes to the bylaw shown.

11. Recommendations from Management

That:

- a) the Report be received.
- b) Council determine that the Hamilton Open Air Burning Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990.
- c) Council accepts the recommended changes to the Hamilton Open Air Burning Bylaw 2015 as shown in Attachment 2 and that the Hamilton Open Air Burning Bylaw 2015 be adopted.
- d) the Hamilton Open Air Burning Bylaw 2015 comes into force on 5 March 2015.

12. Attachments

13. Attachment 1 - Submissions Overview
14. Attachment 2 - Open Air Burning Bylaw 2015

15. Report format

16. This report is prepared and should be considered in two parts:
 - a. Part 1: Deliberation – Issues and options
 - b. Part 2: Decision – Recommendations for adoption

17. Part 1: Deliberation – Issues and options

18. This section discusses issues raised by submitters, and recommended responses from staff.

19. Key issue requiring Council deliberation

20. The New Zealand Fire Service (NZFS) (Sub No. 9) requested for the bylaw to regulate night time burning, for the following reasons:
 - Fires during this period create unwanted interest as they can be seen from long distances. The NZFS receive a number of repeat call outs for night time fires.
 - Night time fires are more likely to be illegal or disposing of unwanted products, such as rubber, plastics or electrical wiring.
 - Other bylaws in New Zealand include controls for night time burning, for example, bylaws from Auckland, Christchurch, and Dunedin.
21. The Waikato Regional Council (WRC) have identified there are pollution issues associated with burning after sunset. At these times, meteorological conditions are not conducive to good dispersion of pollutants. Comparatively, breezier daytime conditions help to disperse the smoke.

Options to Council	Comments
No change to bylaw (Recommended)	Through the proposed bylaw, Council and NZFS are able to respond to fires which are a nuisance or are unsafe, whether at night or day. This is expected to result in a natural decrease in the

	<p>number of call outs received by the NZFS.</p> <p>Research provided by the WRC suggests that pollution caused from open air fires at night is minimal. The pollution is generally caused by indoor fires from home heating.</p>
<p>Include an explanatory note in the bylaw recommending against night time burning.</p> <p>For example: Open air fires between sunrise and sunset are not recommended during foggy conditions or at night time. At these times, conditions are not conducive to good dispersion of pollutants from smoke.</p>	<p>This explanatory note would provide the public with guidance on the best practice for open air fires.</p> <p>However, an explanatory note is not an appropriate method to educate the public. Explanatory notes are generally used to clarify specific clauses in the bylaw. Education material supporting the bylaw would more effectively inform the public.</p>
<p>Regulate night time burning through the bylaw.</p> <p>For example, open air fires between sunset and sunrise could be banned or require a Council permit.</p>	<p>This proposed clause may be considered too restrictive, as activities such as bonfires at night would not be allowed.</p> <p>Additional resourcing would be required from Council to process permits.</p>

22. Other issues resulting in recommended changes to bylaw

23. The following issues were raised by submitters and staff recommend minor changes to the bylaw. The reasons for the staff recommendations are stated.

Issue raised	Staff comments
<p>Two submitters (5, 10) were concerned that clause 5.2 (below) applied to BBQs and braziers:</p> <p>‘5.2 No person shall light any fire at any time in the open air, including a traditional cooking fire, within three metres of any part of a building, tree, hedge, fence or any other combustible material’.</p>	<p>This clause does not apply to BBQs, braziers or incinerators, as these are excluded from the definition of ‘open air’. Staff recommend the addition of an explanatory note in the bylaw to clarify this.</p> <p>For further clarification, it is also recommended to amend the definition of ‘Traditional cooking fires’ to ensure that BBQs are not captured in this definition, and are not required to adhere to clause 5.2.</p>
<p>One submitter (10) recommended that the phrase ‘summary conviction’ used in sub-clause 9.2 and 9.3 is checked for consistency with the recently amended Criminal Procedures Act 2011.</p>	<p>The word ‘summary’ can be deleted from 9.2 and 9.3, following changes to the Criminal Procedures Act 2011.</p>
<p>One submitter (10) requested that the definition of ‘authorised officer’ be amended.</p>	<p>The definition of ‘authorised officer’ should be narrowed for clarity. In light of this change it is recommended to use the term ‘enforcement officer’ in clause 8.2.</p>

24. Other issues raised where staff recommend no change to the draft bylaw

25. The following issues were raised by submitters but staff recommend no change to the bylaw is required. The reasons for the staff recommendations are stated.

Issue raised	Staff comments
One submitter (7) requested to clarify if the proposed bylaw restriction applies to pizza ovens.	Pizza ovens are encompassed in the definition of barbeques. It is recommended that this is clarified in any education material.
One submitter (2) noted concern with the potential maximum penalty of \$20,000 upon breach of the bylaw.	As a judge determines the fine amount to be paid by offenders, based on what is reasonable for the offence, staff do not recommend any change. \$20,000 is the <u>maximum</u> amount able to be set under the Local Government Act 2002.
One submitter (2) requested for the definition of 'nuisance' to be reviewed, due to its subjectivity.	Legal advice indicates that the definition of 'nuisance' recognises that there is a level of inconvenience, annoyance or harmful effects which is reasonable, and is not considered too broad or subjective.
One submitter (7) asked for the bylaw to stipulate that charcoal or untreated wood are the only allowable solid fuels for braziers and barbecues.	No change is recommended as the WRC specifies materials that are permitted for burning.
One submitter (6) asked that the bylaw not prevent burning of carbon waste as the submitter believes it is a better alternative to dumping it in landfills.	Staff do not recommend any change as the bylaw does not prohibit burning of carbon waste.

26. Clarifications and corrections

27. Staff have noted that the following corrections are required:
- The title of the bylaw be updated to 2015.
 - Definition of occupier – For consistency through out the bylaw, legal advice recommends the words 'property' need to be replaced with 'premises'.
 - Typo in the definition of 'enforcement officer'.
 - Removal of the term 'warranted' in clause 8.1 – As 'enforcement officers' are required to be warranted under the LGA 2002, this term is superfluous in this context.

28. Part 2: Decision - Recommendations for adoption

29. Following the review of submissions staff recommend that the following changes (shown as tracked changes in Attachment 2) are made to the draft bylaw adopted for consultation;
- Update the title of the bylaw to 2015.
 - Amend the definition of 'Authorised officer' to:

'Means any officer of Council or other person authorised under the Local Government Act 2002 to exercise the powers in clause 7 of this bylaw. Includes employees and officers of the New Zealand Fire Service and enforcement

officers appointed by Waikato Regional Council under the Resource Management Act 1991. Includes Enforcement Officers’

- Amend the definition of ‘Enforcement Officer’ to:

‘Means a person appointed by Hamilton City Council to exercise the powers of an enforcement officer in relation to offences against the Local Government Act 2002, including enforcement of Council’s bylaws.’

- Replace ‘property’ with ‘premises’ in the definition of ‘Occupier’
- Amend the definition of ‘Traditional Cooking Fire’ to:

‘Means a hangi, umu or similar outdoor fire for the sole purpose of food preparation using traditional cooking methods.’

- Include an explanatory note under clause 5.2:

‘Note: For the sake of clarity, clause 5.2 does not apply to barbecues, braziers or incinerators’

- Delete ‘warranted’ in clause 8.1.
- Replace ‘authorised officer’ with ‘enforcement officer’ in clause 8.2.
- Delete ‘summary’ in clauses 9.2 and 9.3.

30. Legal requirements.

31. The Local Government Act 2002 requires that Council determine that a bylaw does not give rise to implications under the New Zealand Bill of Rights Act 1990.

32. Staff have reviewed the bylaw and recommend that it does not give rise to implications under the New Zealand Bill of Rights Act 1990.

33. Financial and Resourcing Implications

34. Enforcement of the bylaw is covered under current budgets. No extra budget is required for education or communication of the bylaw.

35. Risk

36. This bylaw is in line with Councils abilities under the Local Government Act 2002 and modelled on bylaw from similar territorial authorities, therefore there is little risk associated with the bylaw.

37. If a bylaw is not adopted, there is a risk Council will be unable to satisfactorily manage the risks associated with fire, particularly during extended dry periods of weather.

Signatory

Authoriser	Brian Croad, General Manager City Environments Group
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ATTACHMENT 1: SUBMISSION OVERVIEW

PROPOSED OPEN AIR BURNING BYLAW 2014

Summary of submissions

Submission Period:	5 November – 3 December 2014
Total Submissions:	11
Hearing requests:	0

Do you support the intention to regulate open air fires through the use of a bylaw?

Of the 11 submissions received:

- 8 submitters (73%) *supported* the bylaw in principle
- 3 submitters (27%) *did not support* the bylaw in principle

Aspects of the bylaw submitters agreed with:

	Number of submissions commenting on this topic
The ability for Council to implement a fire ban	6
Ability to manage nuisance fires	2
All of the proposals in general	2
Conditions for the lighting of safe fires e.g. open air fires need to be supervised and have a means of fire suppression available etc.	2

Parts of the bylaw submitters disagreed with:

	Number of submissions commenting on this topic
Definition of nuisance	1
Definition of authorised officer	1
The proposed \$20,000 maximum penalty for breaches of the bylaw	1
Clause 5.2. No person shall light any fire at any time in the open air, including a traditional cooking fire, within three metres of combustible material.	1

**Hamilton City Council
BYLAWS**

1. PREAMBLE

1.1. This bylaw is made under powers given to Hamilton City Council by the Local Government Act 2002. It applies to Hamilton City.

2. SHORT TITLE

2.1. This bylaw may be cited as the Hamilton Open Air Burning Bylaw.

3. PURPOSE

3.1. The purposes of this bylaw is to protect and maintain public health and safety by:

- a) Enabling Council to exercise control over the lighting of fires in the open air and to prevent fires in the open causing a nuisance; and by
- b) Preventing the spread of fires in periods of extremely dry weather.

4. DEFINITIONS

4.1. In this bylaw except where inconsistent with the context:

Acceptable means of fire suppression	Means a hose connected to a reticulated water supply or another effective means of fire suppression having regard to the type and size of fire.
Authorised officer	Means any officer of Council or other person authorised under the Local Government Act 2002 to exercise the powers in clause 7 of this bylaw, by Council to administer and enforce this Bylaw. Includes the <u>employees and officers of the New Zealand Fire Service and enforcement officers appointed by</u> — Waikato Regional Council <u>under the Resource Management Act 1991.</u> Includes Enforcement Officer.
Barbecue	Means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.
Brazier	Any fixed or portable solid fuel or gas fired equipment or appliance designed for heating and used outdoors.
Combustible material	Includes but is not limited to any materials, rubbish or any other matter which is flammable or capable of being burnt or consumed by fire
Enforcement Officer	Means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against the bylaw the Local Government Act 2002, including enforcement of Council's bylaws.
Fire Ban	Means the period of time, whether fixed or indefinite, during which the lighting of fires in the open air is prohibited in accordance with 6.1.
Incinerator fire	Means a fire within an incinerator.
Incinerator	Means a container used for burning of waste material, which is made of non-combustible materials and which has a grate and a lid or spark arrester.
Nuisance	Any smoke, odour, debris or fumes produced by a fire in such

Hamilton City Council BYLAWS

quantity or of such nature as to cause unreasonable inconvenience or annoyance or harmful effects to any person.

Occupier Means in relation to any Property premise, any owner, tenant, agent, manager, foreperson or other person who appears to the Authorised Officer to be acting in the general management or control of the Property premise.

Open air Means in the open whether on or above ground level in any area of Hamilton.

In relation to fires, means otherwise than:-

- (a) within a fireplace (including any enclosed fireproof place or incinerator) constructed and maintained in a dwelling or other structure to the approval of the public or local authority having jurisdiction to issue the relevant permit to build such dwelling or structure or to authorise the construction or installation of the fireplace;
- (b) Within a barbeque, brazier, or incinerator;
- (c) A traditional cooking fire.

Premises Means any private land that is occupied or unoccupied.

Traditional Cooking Fire Means a hangi, umu or similar outdoor fire for the sole purpose of food preparation using traditional cooking methods.

5. CONDITIONS FOR THE LIGHTING OF FIRES

5.1. No person shall light any fire at any time in the open air, or within a barbecue, brazier or incinerator, or burn a traditional cooking fire under the following conditions:

- a) Where the location, wind, or other conditions cause or are likely to cause the fire to become:
 - I. A danger to any person or property; or
 - II. Out of control or spread beyond the boundaries of the premises on which it is lit; or
 - III. A nuisance beyond the boundaries of the premises on which it is lit; or to:-
 - IV. Deposit ash or other debris beyond the boundaries of the premises on which it is lit;
- b) Without continuous supervision being maintained at all times; or
- c) Without an acceptable means of fire suppression being available at all times. or
- d) In breach of any Act or regulation (including any rule in a district or regional plan under the Resource Management Act 1991).

5.2. No person shall light any fire at any time in the open air, including a traditional cooking fire, within three metres of any part of a building, tree, hedge, fence or any other combustible material.

Note: For the sake of clarity, Clause 5.2 does not apply to barbecues, braziers, or incinerators.

Hamilton City Council BYLAWS

6. FIRE BANS

- 6.1. The Council or the Chief Executive Officer may, at any time when it considers it necessary due to the level of risk of fire, prohibit the lighting of fires in the open air for any specified period of time, within all or any part of Hamilton within the city boundary.
- 6.2. The Council shall give public notice of any fire ban made under clause 6.1 by any effective means.
- 6.3. Effective means includes notification on Council's website or publication of notices in a newspaper
- 6.4. Upon giving public notice, the Council may, at any time, vary or cancel any fire ban made under clause 6.1.
- 6.5. No person shall light any fire in the open air in a time and place where a fire ban is in effect
- 6.6. No person, being the occupier of property, shall cause, permit or suffer the lighting or continued burning of a fire in the open air in a time or place where a fire ban is in effect.

Note: For the sake of clarity a fire ban does not apply to a barbeque, brazier, incinerator fire or a traditional cooking fire.

7. AUTHORISED OFFICER MAY EXTINGUISH FIRES

- 7.1. Where a fire has been lit or allowed to burn in breach of clause 5.1 or clause 5.2; or during a fire ban in breach of clause 6.5; or 6.6, an authorised officer may:
 - a) direct the occupier of premises on which the fire is located, or the person who lit the fire, to immediately extinguish the fire; And
 - b) obtain such assistance that may be reasonably necessary to ensure the safety of any person or to protect the property or any other property.
- 7.2. Where any occupier of premises upon which a fire in the open air is located, or person who lit such a fire, does not comply with an authorised officer's direction under clause 7.1.a to extinguish the fire, the authorised officer may extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any person or to protect the property, or any other property.
- 7.3. An authorised officer exercising the power under clause 7.2 may obtain such assistance as is reasonably necessary.
- 7.4. Pursuant to section 187 of the Local Government Act 2002, where an authorised officer has extinguished a fire pursuant to clause 7.2 the Council may recover any costs incurred in extinguishing the fire from the person to whom the direction was made.

Note: The function of extinguishing fires under clause 7.2 is delegated to the New Zealand Fire Service.

8. POWERS OF ENTRY

- 8.1. An ~~warranted~~ enforcement officer may enter land for the purpose of detecting a breach of this bylaw if the officer has reasonable grounds for suspecting that a breach of the bylaw is occurring on the land. Before entering the land the officer must, if practicable, give reasonable notice to the occupier of the land of the intention to exercise the power, unless the giving of notice would defeat the purpose of entry.
- 8.2. An ~~enforcement authorised~~ officer may enter land without notice for a purpose authorised by this bylaw if there is sudden emergency causing or likely to cause loss of life or injury to a

Hamilton City Council BYLAWS

person; or damage to property; or damage to the environment; or there is danger to any works or adjoining property.

Note: Members of the New Zealand Fire Service have powers of entry under the Fire Service Act 1975.

9. PENALTIES AND OFFENCES

9.1. A person commits a breach of this bylaw who:

- a) Burns a fire in contravention of clause 5.1 or clause 5.2;
- b) Burns a fire in contravention of clause 6.5; or 6.6
- c) Fails to comply with a direction given under clause 7.1.a

9.2. Pursuant to section 239 and 242 of the Local Government Act 2002, any person who breaches this Bylaw commits an offence and is liable on ~~summary~~ conviction to a fine not exceeding \$20,000.

9.3. Pursuant to section 229 of the Local Government Act 2002, any person who obstructs or hinders any authorised officer in the performance of any duty to be discharged by that officer under or in exercise of any power conferred by this bylaw commits an offence and is liable on ~~summary~~ conviction to a not exceeding \$5,000.

9.4. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.

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

Councillor: _____

Councillor: _____

Chief Executive: _____

Committee: Strategy & Policy Committee

Date: 24 February 2015

Report Name: Community Assistance Policy

Author: Deanne McManus-Emery

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Social Well-Being Strategy</i>
Financial status	<i>\$1,160,000</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- The purpose of this report is to present elected members with the revised Community Assistance Policy and Grant Criteria.

3. Executive Summary

- At the 4 March 2014, Ordinary Council meeting, it was resolved that the Chief Executive review the efficiency and cost effectiveness of delivering this service, and the policies be reviewed as part of the Long Term Plan.
- At the July 2015, Strategy and Policy meeting, it was resolved that a Community Assistance Funding Working Group be established to support the review of the efficiency and cost effectiveness of the community assistance funding programme and to provide direction to staff on the review of the policies associated with this and report back to Council.
- The Community Assistance Funding Working Group reviewed the Community Assistance Funding programme and policy during 2014, and identified the efficiency and cost effectiveness of the delivering the service.
- The revised changes to the policy include formatting to align to the new look of existing Policy's, and includes a revised purpose, objectives, and includes clarity of the funding process.
- Supplementary to the Community Assistance Policy, both the single year, and multi year grants have new clearly defined funding guidelines and criteria to enable robust decision making.
- The Single Year Grants quantum will be set at \$260,000, annually and the Multi-Year grants will be set at \$900,000 over a 3 year period.

10. **Recommendations from Management – Recommendation to Council**

That:

- a) the Report be received.
- b) the proposed 'Community Assistance Policy' (Attachment 1) be adopted.
- c) the proposed Single-Year Community Grant guidelines and criteria (Attachment 2) be adopted.
- d) the proposed Multi-Year Community Grant guidelines and criteria (Attachment 3) be adopted.

11. **Attachments**

12. Attachment 1 - Community Assistance - Community Assistance Policy 2014 review - December 2014
13. Attachment 2 - Community Assistance - Single-Year Community Grant Guidelines and Criteria 2015 - 2014-14-12
14. Attachment 3 - Community Assistance - Multi-Year Community Grant Guidelines and Criteria 2015 - 2014-14-12

15. **Background**

16. The Community Assistance Funding Working Group was established after the 16 July 2014 Strategy and Policy Committee, with the purpose to review the efficiency and cost effectiveness of delivering the Community Assistance Funding programme and the related Policy.
17. Staff and elected members reviewed the Community Assistance Policy and allocation process at the working group meetings, between September and November 2014 and presented to Council in December 2014. Council requested the revised policy, and guidelines be presented to Strategy and Policy in February 2015.
18. A change to the Community Assistance Policy was the reformatting of the policy to align it to the existing policies. The purpose, objectives and funding process have also been revised to support the funding and allocation process for 2015/16.
19. The principles of single-year and multi-year community grants were discussed with the working group in 2014. The working group made the following recommendations: to consolidate the current three funding grants—Arts and Culture, Community Event Sponsorship and Small Grants, into a single grant, and provide clear guidelines and criteria for both single year and multi year grants be developed.
20. The specific grant criteria and guidelines attached support the implementation of this policy.
21. New Criteria and Guidelines for Single Year and Multi Year Grants
22. The criteria and guidelines for both the single year and multi year grants provides clear guidance to the both the eligibility and allocation of funding.
23. It is proposed that the available funds (\$1,160,000) be split in the following way;
 - A minimum fund of \$260,000 is set aside for Single-Year Community Grants,

- A maximum fund of \$900,000 is set aside for Multi-Year Community Grants, with any unallocated funding being added to the Single-Year Community Grant.

24. Previously the annual income threshold of \$1,000,000 for an organisation to be eligible for the Single Year grant has been reduced to an annual income of up to \$750,000. This approach is supported by as best practice within the funding sector.

25. Financial and Resourcing Implications

26. The review of the policy, criteria and guidelines were funded within existing budget.

27. The Community Assistance Funding will not have inflation adjustments applied to it.

28. Risk

29. Regular consultation has occurred between staff and the community organisations during the review process.

30. Following the adoption of the policy and guidelines, the Multi-Year Community Fund will be opened for applications.

31. Staff will ensure funding support across Community Events, Environment, Recreation, Social Service, Arts and Culture, sectors remain. Staff will continue to support the allocation committee to ensure the specific interest groups within the community are not disadvantaged by the consolidation of the current single-year grants.

Signatory

Authoriser	Lance Vervoort, General Manager Community
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Community Assistance Policy

Purpose

1. This policy sets out the process and guidelines for funding assistance provided through grants by Hamilton City Council to community organisations.
2. The policy applies to all council contestable community grants that fit within the scope of both 'Multi-year grants' and 'Single-year grants'
3. The policy does not apply to loans (or loan guarantees), rates remittance, community leases or rentals, or major event sponsorship and capital projects.

Definitions

1. **10-Year Plan** means Council's adopted Long Term Plan (LTP) as defined by the Local Government Act 2002.
2. **Community Group** means a not-for-profit organisation that has the primary aim of working to provide services and benefits to the Hamilton community. Any surplus revenue is re-invested in the organisation, its assets and /or membership. A community group must be a registered legal entity and have charitable status as defined by the Charities Act 2005.
3. **Single-year grants** means one-off funding that support projects aligned with the city strategies. Single-year small grant funding will be considered for applications that meet the funding criteria for this fund, and will be for a period of 12 months, with a maximum funding allocation up to \$5,000 per project.
These currently consist of
 - Single-Year Community Grant
4. **Multi-year grants** means funding granted to community groups for the purpose of supporting the creation and operation of community infrastructure relating to spaces for use by the community. The venue must be used to deliver services and activities that contribute to the social wellbeing of the city. Grants align with the 10-year plan review and approval/payments will be for a maximum term of 3-years.
These currently consist of:
 - Multi-Year Community Grant.

Objectives

1. Provide clarity on the types of community assistance provided and the purposes for each.
2. Enable community groups to develop and/or support the social wellbeing of the city.
3. Provide clear criteria for community assistance.
4. Provide transparent processes for community groups applying for community assistance.

Process

1.1 Eligibility Criteria

Applicants must meet the following criteria;

- Applicants must be a legally constituted community group or organisation registered with Charities Services (not for profit, charitable trust, incorporated society)
- Must not be an individual.
- Provide evidence of (or, if a new group, systems for): sound financial management, employment practice (where applicable), clear and detailed planning, clear performance measure.
- Have a proven track record of service delivery, and evidence of any secured central government service delivery contracts, where applicable.
- Only initiatives or projects within Hamilton and /or benefiting Hamilton residents will be considered. Regional or national services will be considered on the relative benefit derived by Hamilton residents.
- In addition to this, all applicants are also required to;
 - Demonstrate the contribution the project will make to Council’s 10-year plan and city priorities.
 - Clearly detail a specific service and or outcome that will result from the funding.
 - Be physically and financially accessible by a wide range of people or intended users.
 - Demonstrate evidence of community support, collaboration and building partnerships with other organisations, where applicable.
 - Declare other forms of financial assistance they may receive from Council i.e. rental/land subsidies and or funding from other organisations.
- Applications must also meet the individual criteria of the specific fund they are applying to.
- Consideration will be given to situations/organisation where other council support is received. E.g. staffing, and or provision of space.

NB: All applications and or projects will be contestable, with no roll over of contracts.

1.2 Ineligible Applications

- The following applications will not be considered for funding:
 - Applications for retrospective funding.
 - Mortgages, applications for payment of loan or investments of any kind.
 - Applications that are for religious/political purposes.
 - Community groups that do not provide accountability reports on past funding received.
 - Vehicle purchases.

1.3 Funding Process

- Council’s funding round is open once annually for single-year community grant and once every three years for multi-year community grants.
- Funding will be publically advertised and funding applications packs will be made available on the Council website.

- Applications will be open for a period of one calendar month.
- All applications will be screened against the general eligibility criteria and specific grant criteria.
- An allocation committee(s) consisting of representation from elected members, community and staff will assess applications for funding.
- All successful applications will be required to sign a funding agreement prior to payment of the grant.
- All successful applicants will be notified in writing and published on the Council's website.

1.4 Allocation Committee Composition

- The Allocation Committee for the Single-Year Community Grant will have a membership of 7 consisting of 2 elected members, and 5 community representatives.
- The Allocation Committee for the Multi-Year Community Grants will have a total membership of 6 consisting of 1 elected member and 5 community representatives (including funders).
- The Allocation Committee(s) will have a staff member present as an ex-officio member.

1.5 Accountability and Reporting

- Successful applicants must adhere to the funding reporting requirements as prescribed by Council.
- All recipients of community grants will provide periodic accountability reports documenting how their activities have contributed to the objectives for which the funding was allocated.
 - Multi-year Grant – 6-month reports
 - Single-year Grant – annual accountability report at the completion of the project
- Recipients that fail to submit acquittal reports, or that have not spent the money in accordance with the application/contract shall not be eligible for any further Council grants until:
 - accountability conditions have been met and/or grant monies returned and
 - the organisation can demonstrate to Council, that the organisation meets Council's eligibility criteria for a grant and
 - the organisation is capable of delivering the project they are making an application for.

Monitoring and Implementation

1. General Manager Community will monitor the implementation of this policy.
2. The policy will be reviewed every three years or at the request of Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

References

- 10-Year Plan
- Active Hamilton
- Community Occupancy Policy
- Hamilton Arts Agenda
- Hamilton Social-Wellbeing Strategy
- Sustainable Hamilton

**GUIDELINES AND CRITERIA
HAMILTON CITY COUNCIL SINGLE-YEAR COMMUNITY GRANT (2015/16)**

Hamilton City Council Single-Year Community Grant supports not-for-profit organisations that contribute to the social wellbeing of the city by delivering community wide services.

The word 'community' is used in its broadest sense: it signals that our single-year grants programme will support the social, cultural, artistic and environmental wellbeing of our people and neighbourhoods.

Funding consideration will be given to community organisations which:

- Encourage and support community-led initiatives
- Strengthen participation across diverse communities
- Inspire communities to take pride and ownership in Hamilton

Single-Year Community Grants will fund organisations for:

- Operating and administrative costs
- Equipment and resources that support the project or organisation
- Programme development and implementation

The Single-Year Community Grant is an annual contestable fund of at least \$260,000. The fund opens in March of each year for events and projects taking place within the next financial year starting 1 July.

Application Process:

How much is available?	Minimum funds available \$260,000 per annum
How much can I apply for?	Maximum grant \$5,000
When can you apply?	Fund opens 01 March Closes 31 March
Grant Decision	Applicants will be advised 6 weeks after application closing date

All applications must be made through the Hamilton City Council online system. No paper applications will be accepted.

Who can apply?

- Applicants must be a legally constituted community group or organisation registered with Charities Services (not for profit, charitable trust, incorporated society)
- Projects must take place within the Hamilton city boundaries
- Organisations must have the capacity to deliver outcomes

Ineligibility

- Projects or operational costs already substantially funded by Hamilton City Council
- Retrospective funding, ie projects that have already started or have been completed
- Political organisations or social clubs
- Repayment of debt, Loan, mortgage repayments or investments of any kind
- Organisations that have an annual income in excess of \$750,000

All Applications must be accompanied by:

- A statement of financial position showing year to date income and expenditure (no greater than 3 months old)
- Audited or Reviewed Financial Accounts
- Accountability must be received for previous grants before any new grant application will be processed
- A current bank statement for each account held
- Printed bank deposit slip

**GUIDELINES AND CRITERIA
HAMILTON CITY COUNCIL MULTI-YEAR COMMUNITY GRANT (2015/16)**

Hamilton City Council Multi-Year Community Grants support the creation and operation of community infrastructure relating to spaces for use by the community. The venue must be used to deliver services and activities that contribute to the social wellbeing of the city.

Funding consideration will be given to Community organisations which:

- Encourage and support community-led initiatives
- Strengthen participation across diverse communities
- Inspire communities to take pride and ownership in Hamilton

Multi-Year Community Grants will fund organisations for operating costs that can deliver:

- a multi-purpose space available for the community to utilise
- programmes and activities occurring in the facility that addresses the needs of the local community
- opportunities for the wider community to increase social connectedness

Priority will be given to projects and community organisations delivered in areas of high deprivation where there is a demonstrable need for the facility.

- The applicant must show that the project expands the capacity, range or level of similar types of services in the community and that it has involved users in identifying the need for the project.

Application Process

How much is available?	Maximum funds available \$900,000
When can you apply?	Fund opens 25 February 2015 Closes 25 March 2015
Grant Decision	Applicants will be advised 6 weeks after application closing date

All applications must be made through the Hamilton City Council online system. No paper applications will be accepted.

Who can apply?

Applicants must be a legally constituted community group or organisation registered with Charities Services (not for profit, charitable trust, incorporated society), which:

- have community development and community capability building as a core function of the organisation
- are located in Hamilton
- has a management committee to proactively manage the facility
- are sustainable and have the capacity to deliver agreed outcomes

Ineligible Criteria

- Projects/operational costs already substantially funded by Hamilton City Council
- Applications for retrospective funding, ie projects which have already started or completed projects.
- Loan/mortgage repayments or investments of any kind
- Organisations that have not provided adequate reports on past funding.

All Applications must be accompanied by:

- A statement of financial position showing year to date income and expenditure (no greater than 3 months old)
- Audited or Reviewed Financial Accounts
- Accountability must be received for previous grants before any new grant application will be processed
- A current bank statement for each account held
- Printed bank deposit slip
- Letters of Support from other Community Organisations
- Information of other sources of Funding

Committee: Strategy & Policy Committee

Date: 24 February 2015

Report Name: Social Housing Strategy

Author: Deanne McManus-Emery

Report Status	<i>Open</i>
Strategy, Policy or Plan context	
Financial status	<i>There no budget allocated Amount \$Nil</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- The purpose of the report is to provide elected members with the confirmed process to develop a Social Housing Strategy.

3. Executive Summary

- The Council meeting held on the 27th March 2014 resolved that the Social Housing Working Group identify a process for the development of a Social Housing plan for Hamilton.
- The CEO, from the Wises Group, and the Regional Manager, Habitat for Humanity will lead the development of a Social Housing Strategy in 2015. A Hamilton Social Housing Strategic Governance group with representation from the Social Housing Sector and Hamilton City Council senior staff will be convened in February 2015 to progress the development of a Social Housing Strategy.

6. Recommendations from Management

That:

- the Report be received.
- Council approves the appointment of Deanne McManus-Emery and Luke O'Dwyer to the Hamilton Social Housing Strategic Governance Group.
- Staff to report progress back to the Strategy and Policy Committee.

7. Attachments

- There are no attachments for this report.

9. Key Issues

10. Background

- Members of the Social Housing Sector have met on a number of occasions in 2014, to discuss the opportunity to develop a Social Housing Strategy for Hamilton City.
- Initial discussions were led by Habitat for Humanity in early 2014, however progress was slow due to a number of factors, as the sector wanted to wait until the decision on the Pensioner Housing portfolio was made before discussions could be progressed further.
- In June 2014, representatives from the following organisations District Health Board, Te Runanga o Kirikiriroa, Habitat fro Humanity, Spectrum Care, The Wises Group, Housing New Zealand, Child Matters, Ministry of Social Development, Te Puni Korkiri, Corrections and Hamilton City Council met to discuss the need for a Social Housing Strategy for the city.
- At the June 2014 meeting, the sector endorsed the national housing vision, and identified a number of key objectives, which were later presented to the Social Housing Sector meeting in December 2014.
- At the December 2014 meeting, members of the Social Housing Sector agreed to lead and progress the Social Housing Strategy, and provided clarity that the strategy would be led by the Social Housing Sector, and not Council. They also requested that the appropriate senior council staff be appointed to participate as members of the Hamilton Social Housing Strategic Governance Group.
- The Regional Manager, Habitat for Humanity met with the HCC Pensioner Housing Working Group in December 2014, to provide an update on the Social Housing Sector meeting held in December 2014 and to provide some clarity of the proposed process moving forward.
- It is proposed that the Hamilton Social Housing Strategic Governance Group will convene in February 2015, to progress the development of the Social Housing Strategy.
- Council staff will participate in the development of the strategy to ensure the roles and responsibilities of council policy, processes and procedures are represented.
- It is anticipated the development of the Social Housing Strategy will take approximately 6-8 months.
- It is proposed that staff will report back to Council at the Strategy and Policy committee later in the year.

11. Financial and Resourcing Implications

12. No financial implications.

13. Risk

14. Nil Risk

Signatory

Authoriser	Lance Vervoort, General Manager Community
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Committee: Strategy & Policy Committee

Date: 24 February 2015

Report Name: Hamilton Central City Safety
Plan update report

Author: Deanne McManus-Emery

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

1. Purpose of the Report

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

3. Executive Summary

- The Hamilton Central City Safety Plan was developed in collaboration with a range of key organisations, and was in response to a significant number of anti-social issues highlighted within the central city.
- The Hamilton Central City Safety Plan was adopted by Council in September 2014, with 26 key actions to be achieved.
- Implementation commenced in September 2014, and will continue over the next two years.

7. Discussion

- A report on delivery of the actions is attached. The actions to be achieved by December 2014 have been completed and the plan is on track.
- It is too early in the implementation process to provide trend data; however data to measure the success indicators is currently being monitored and will be presented at the next Strategy and Policy meeting.
- Key milestones achieved to date:
 - Implementation of the People's Project, which has already housed over 30 people since starting operation.
 - Review of the City Safe team. The new City Safe team undertook training and commenced new patrol times on 1 December with positive feedback.
 - Adoption of the Safety in Public Places bylaw and the Litter Infringement Policy. There have been no prosecutions initiated to date. The City Safe team continues to work with people to change behaviour as a first step.

- Police patrols have been increased with positive feedback from business and visitors.
 - There is continuous positive feedback about the gardens in Civic Square and the contribution that makes to the look of the public space.
11. Anecdotal feedback from the Hamilton Business Association, the People’s Project and members of the public to date has been positive regarding the increased visibility of City Safe staff and improvements in the quantity and quality of interactions between City Safe staff and business owners and members of the public.

12. Recommendation from Management

That the Report be received

13. Attachments

14. Attachment 1 - Hamilton Central Safety Action Plan Council Report -2015-04-02

15. Financial and Resourcing Implications

16. Budget was approved in the 2013/14 Annual Plan and the actions are being delivered within existing budgets.

17. Risk

18. Nil risk as the implementation of the safety plan is on track.

Signatory

Authoriser	Lance Vervoort, General Manager Community
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ACTIONS	Timeframe	Status	Comments
Develop a Communications and Engagement Plan	Dec-14	Completed	
Develop and produce effective reporting on key data	Oct-14	Completed	A set of reporting measures have been established and the data required to measure performance against the success indicators started being collected from 1 December 2014 and will be reported at the next 6 monthly report .
With HCBA, support the People's Project in delivering self help training for business	Oct-14	Completed	
Expand the CCTV Network to provide 360 degree coverage including river pathway	Dec-17	On Track	
Increase Police foot patrols by 31/9/14		Completed	
Review the role of the Alcohol Accord to deliver more effective support to the hospitality sector	Jun-15	On Track	Project meetings sponsored by NZ Police with City Safe attending as HCC representative
Complete a review of City Safe and implement any changes and new KPIs	Dec-14	Completed	
Provide Maori Warden patrols during weekday afternoons		On Track	HCBA conversations with Maori Wardens are progressing.
Adopt the Safety in Public Places Bylaw	Dec-14	Completed	
Adopt a Litter Infringement Policy and the appropriate enforcement sections of the Litter Act	Dec-14	Completed	
Review the Public Places Liquor Control Bylaw	Sept -15	On Track	A report will be presented to Strategy and Policy in April 2015
Approve and implement the Local Alcohol Policy		Off Track	The Policy is on hold until court appeal cases throughout NZ are completed. On Strategy and Policy work programme for 2015,
Bylaw Enforcement Officers and Litter Control Officers	Dec-14	Completed	
Explore expanding the Smoke-free Environments Policy to include the whole CBD with designated smoking areas	Nov-14	On Track	Meetings with Chair of Strategy and Policy Committee and HCC staff, HCBA, NZ Cancer Society and DHB occurring for discussions on changes to the policy and pilot area.

HAMILTON CENTRAL SAFETY PLAN – Action

Implement the Local Approved Products Policy		Off Track	On Strategy and Policy work programme for 2015, however work has been deferred until all the legislation regulations are issued and government identifies when sale of products may recommence. This has impacted implementation.
Provide clear and effective signage	Dec-14	On Track	CCTV signage in place. Remaining signs will be installed by end of March 2015
The People's Project is implemented	Aug-14	Completed	
Work with HCBA to develop a Truancy Free "no sale" zone		On Track	Initial discussions held with HBCA to progress with Central Business Owners
Monitor the effectiveness of truancy programmes delivered by other organisations (including Whai Marama Youth Services and schools)		Off Track	Further discussions with MOE, will be required to progress as there have been changes made to the Truancy contracted service delivery model.
Continue to support Zeal		On Track	Zeal officially opens it new premises to the Youth community in February 2015
Youth Advisory Panel to review the Youth Action Plan and recommend actions that contribute to the goals in this safety plan	Jun-15	On Track	
Monitor the effectiveness of the increased level of litter collection approved in the 2014 Annual Plan		On Track	Data will be presented at the next 6 monthly reporting
Continue the current level of service for graffiti removal		On Track	
Monitor the effectiveness of the Alliance Contract delivery in the central city		On Track	
Increase vegetation management in key planting sites to improve central city appearance		On Track	Central City Planting in Civic Square completed and on-going maintenance of key sites are proactively managed.
Support the HCBA's initiatives: "Lick of Paint" and "Steam Clean"		On Track	The Steam clean initiative was completed last year, within HCBA budget, however additional resources will be required to continue in 2015. The Lick of Paint initiative commenced last year, with 2 buildings completed within HBCA budget, this has had a positive outcome for other business owners, who have taken the initiative to enhance their properties.

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

HAMILTON CENTRAL SAFETY PLAN – Action

Committee: Strategy & Policy Committee **Date:** 24 February 2015

Report Name: Strategic Round Up Report **Author:** Loren Brown

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

1. Purpose of the Report

- To update elected members on HCC's involvement in regional and sub-regional planning partnerships through our commitments to Future Proof, the Upper North Island Strategic Alliance, the Waikato Mayoral Forum and Strategic Waters matters.

3. Executive Summary

- As a key partner in Future Proof, UNISA and the Waikato Mayoral Forum, HCC is demonstrating its commitment to land use, infrastructure and spatial planning at sub-regional/regional scale.
- Future Proof is continuing to establish the agreed settlement pattern and the need for co-ordinated land use and infrastructure planning. It is also focused on better understanding water demand and availability.
- The various workstreams of the Mayoral Forum are continuing. The roading collaborative project is focusing on consistency of data. An implementation plan for Waikato Means Business (Waikato Economic Development Strategy) has been developed, while a policy/bylaw consolidation process is being undertaken by LASS. The establishment of the Joint Committee for the Waikato Spatial Plan or 'Waikato Plan' has taken place. The waters project has moved to a separate programme for the Hamilton, Waikato and Waipa Councils conducting a detailed business case on waters collaboration.
- UNISA has made steady progress implementing the completed Freight Story and is currently completing a pilot study on industrial land demand. Joint tourism working has been successful and an economic development project is currently being scoped.
- HCC is actively participating in the Waikato Regional Council's 'Healthy Rivers' Plan Change, which could have significant impacts on land use and water quality in the region.

9. Recommendation from Management

That the Report be received

10. Attachments

11. There are no attachments for this report.

11. Key Issues

12. Future Proof

13. *Anchoring the Future Proof Settlement Pattern*

14. Future Proof is involved in submissions, hearings and appeals on local District Plans and the Regional Policy Statement (RPS) to establish the Future Proof settlement pattern.
- The Proposed RPS appeals on the Hamilton Airport Strategic Industrial Node have been resolved, with agreement on the amount of timing of the industrial land allocation.
 - Future Proof is involved in appeals on Waipa District Plan, most notably it is against those parties which seek a more lenient approach to the amount and staging of industrial land provision at the Airport.
 - While Future Proof did not appeal the Hamilton Proposed District Plan, it is involved in opposing appeals that are contrary to the Future Proof Strategy.
 - Waikato District Council is to review its District Plan over 2015. Future Proof will focus on the management of growth pressures particularly around Pokeno, Tuakau, Tamahere, Mystery Creek and Matangi.
 - Future Proof has appeared at Auckland Plan hearings requesting that Auckland Council clarify the expected impacts of the growth of Auckland on the Waikato, particularly on the Waikato Expressway, water availability and growth impacts.

15. *Southern Growth Corridor*

16. Both the Proposed RPS and Waipa District Plan appeal proceedings have highlighted infrastructure and funding constrains development around Hamilton Airport. Major roading investment is likely. Additionally, HCC wishes to facilitate growth in the Peacockes area, and Waikato District may come under pressure to extend the rural-residential zone or allow more commercial development within the Tamahere as part of their District Plan review.
17. In order to help address these issues, Future Proof is undertaking a Southern Growth Corridor Strategic Land Use and Infrastructure Plan as a collaborative exercise.
18. The outcomes of this work will be very helpful in defining the long term land use pattern for the southern corridor.

19. *Designations*

- The Southern Links designation has now been confirmed, with a 20 year lapse period and a variety of other conditions, a good outcome for the City.

- Future Proof supported the Waikato Expressway – Ruakura Interchange Notice of Requirements, given the importance of the interchange to the Ruakura development and the Future Proof settlement pattern. The decision on this expected soon.

20. *Water Allocation*

21. Watercare has made an application to the Waikato Regional Council to take a further 200,000m³ of water, per day from the Waikato River to supply Auckland's growing water need.
22. Future Proof is currently looking at whether HCC, Waipa and Waikato District Council's have enough consented water to support current and projected populations. The findings of this work will inform our position on the Watercare consent, should the application be publicly notified.

23. *Other matters*

24. Future Proof submitted in support of the Draft Waikato Regional Land Transport Plan in mid December 2014. The submission emphasises the importance of public transport, cycling and walking, as it helps support a more compact urban form. However, the submission sought more emphasis on new growth areas/pressure points, particularly in the north Waikato and the Southern Growth Corridor.
25. A submission was made to the Productivity Commission – Land for Housing Inquiry.
26. All agendas, minutes, submissions and completed research projects/studies undertaken by Future Proof are available at www.futureproof.org.nz.

27. **Mayoral Forum and Waikato Plan**

28. The Mayoral Forum workstreams cover roading, water and wastewater services, planning and the Spatial Plan, economic development, regulatory by-laws and policies, and governance.

29. *Spatial Plan/Waikato Plan*

30. Following on from the completion of Phase I of the Spatial Plan project in March 2014, the local authorities have committed to progressing the development of the 'Waikato Plan'.
31. To provide direction, formulate content and decide on matters such as consultation and process, a Joint Committee (JC) has been established. It comprises members from each of the partner council's and five non-local government members. Mayor Hardaker is HCC's member, with Cllr Gallagher as an alternate.
32. The non-local government members have been confirmed as Michael Spaans, Margaret Devlin, Dr Bev Gatenby, Steven Wilson and Mark Ingle.
33. In November 2014, the JC agreed administrative measures including: the election of Margret Devlin as the Committee Chairperson; the terms of reference for the JC; and the consideration of a project risk register.
34. Technical information was also presented to the JC, including a summary of the findings of Phase I highlighting the strengths, challenges and opportunities in the region.
35. Demographic information also outlined a region with mixed growth profiles from district to district, i.e. Hamilton City and Waikato District are expected to experience sustained population growth, while others are expected to decline.

36. Another JC is to be held on the 16 February. This meeting will cover project scope and budget and the engagement approach. A facilitated workshop will also be ehld on project outcomes to ensure the project delivers.
37. The agendas and minutes for these previous meetings and all future meetings will soon be available on a newly created Waikato Plan website.
38. *Roading*
39. The Road Asset Technical Accord (RATA) began working together since mid- 2014 to make significant savings in road spending. The work is progressing well. The first step is to ensure a standardised way of gathering and recording of data throughout the region. This will enable better strategic roading decisions to be made on maintenance and operational matters.
40. *Water and Wastewater services*
41. The Waters Collaboration project has commenced with Cranleigh appointed as lead consultant. A finalised business case report is to be delivered to the Governance Group on 29 April 2015, with all three councils to be briefed shortly after.
42. A Waters Governance Group has been established with representatives from Hamilton, Waikato, Waipa and Waikato Regional Councils. HCC representatives are Councillors Pascoe and Mallett.
43. The Governance Group and senior staff have been workshoping various elements of the Waters Collaboration project under the Treasury's Better Business Case model.
44. A website has been established to provide background information and all relevant Council reports relating to the Waters Study at www.waterstudywaikato.org.nz.
45. A verbal update can be provided at the meeting.
46. *Local Authority Shared Services (LASS) Policy/Bylaw work stream – Phase II*
47. This project work is being conducted by LASS.
48. The recently adopted Significance and Engagement Policy was an early output from this project in Phase I with a standard policy template/content available for all councils to use.
49. In Phase II, LASS will audit all Council policies across the region and develop a policy review programme.
50. This project will create a standardised process for the high level review of council policies to be shared with and implemented by, all participating councils. In time, this should result in a set of streamlined policy manuals with agreement as to which external policies and bylaws can be reviewed collaboratively.
51. *Governance*
52. This workstream is on hold pending the outcomes of the other workstreams.
53. *Economic Development*
54. An implementation plan to give effect to the Waikato Economic Development Strategy (known as 'Waikato Means Business') has been finalised. A Governance group to oversee development of the implementation plan will consist of Waikato Mayoral Forum representatives (Mayor Hardaker) and other key stakeholders from the business community. The implementation plan is being presented to the Mayoral Forum on 23

February 2015. Funding for the plan is through Waikato Regional Council as per their draft 2015-25 Long Term Plan.

55. Upper North Island Strategic Alliance (UNISA)

56. *Industrial Land Demand Study*

57. UNISA has examined industrial land demand across the upper North Island. This included exploring industry preferences for industrial land; regulatory and charging regimes; and proposed a methodology for projecting future industrial land demand needs.

58. A pilot study of the proposed demand projection methodology is underway in Northland at their request and cost. This study is nearly complete and will be reported to UNISA Mayors and Chairs in March.

59. *Upper North Island Freight Story Implementation*

60. In order to reduce the cost of doing business and improving the economic performance of New Zealand, the Upper North Island Freight Story identified key freight issues/opportunities. UNISA continues to implement actions from the Freight Story including.

- Routes for High Productivity Motor Vehicles (HPMV): NZTA is making good progress opening up HPMV routes, with over 2,000km open as at November 2014.
- The 50MAX project: allows vehicles with an additional axle to carry increased payloads on parts of the network, leading to economic benefits by reducing the number of truck trips needed to move the same amount of freight. The project has been well received by industry, and over ¼ of trucks now converted to this axle arrangement.

61. *Economic Development*

62. An economic development project is currently being scoped. It will build on previous work to: identify the value chains for a number of key industry sectors; the impact of demographic change on these sectors; their skilled labour requirements; and recommended interventions. The scope of this work will be reported to UNISA Mayors and Chairs in March.

63. *Tourism*

64. The third year of the upper North Island tourism campaign ran again in 2014. The Regional Tourism Organisations, Tourism NZ and Auckland Tourism, Events and Economic Development (ATEED) report that this has been an excellent collaborative approach. Early results from the campaign indicate major increases in tourist interest compared with 2013. UNISA is looking to develop a strategy for advocacy to Tourism NZ and Air NZ on the importance of tourism to the regions.

65. *Ministerial engagement*

66. The UNISA Mayors and Chairs are to meet and discuss a strategy for engagement with Central Government on tourism, housing, infrastructure and transportation.

67. Strategic Waters matters68. *Healthy Rivers Plan Change(Waikato Regional Council)*

69. In order to comply with the requirements of the National Policy Statement for Freshwater 2014, and to give effect to the Waikato River Settlement Act 2010, Waikato Regional Council are undertaking a project known as the Healthy Rivers Plan Change.
70. The project focus is to help restore and protect the health of the Waikato and Waipa Rivers and is likely to result in a variation to the regional plan.
71. A Collaborative Stakeholder Group (CSG) has been established to represent the community. It includes horticulture, energy, dairy, industry, Maori interests and local government representatives.
72. Sally Davis, a consultant and former GM Infrastructure, has been engaged by LASS to jointly represent HCC and the other District Councils in the Region (local government representative).
73. A general stakeholder and political representative workshop was held in October to critique the proposed policy selection criteria.
74. Key themes discussed at the workshop included:
- The overarching aspiration for the Waikato and Waipa River catchments to contain rivers and lakes are safe to swim in and take food from.
 - The focus is on improving Total Phosphorus, Total Nitrogen, sediments and *E.Coli* levels.
 - Dairy and pasture activities were highlighted as major contributors of contaminants.
 - The need for equitable or fair responses to the remediation or improvement.
75. The emerging issues associated with this project for Hamilton City are:
- Possible increased treatment costs for wastewater and stormwater discharges.
 - Land use changes in the region may be required. The City could be impacted if there are more stringent controls on primary production/industry in the surrounding region.
 - There are ongoing challenges of growing the city whilst maintaining or improving discharge standards of stormwater and wastewater.
 - The emerging policy areas do not reflect the importance of the provision of wastewater and stormwater services to maintain public health.
76. Staff will remain involved in any engagement undertaken by WRC, and will continue to liaise with Sally Davis as the CSG representative. This Committee will be regularly updated on any outcomes or emerging policy issues affecting the City.

77. Financial and Resourcing Implications

78. There are allocated budgets for Future Proof, UNISA, Mayoral Forum and Waters projects for the 2014/15 year. Spending is on track.
79. The budget for the Waikato Plan is to be discussed at the Joint Committee on the 16 February 2015.

80. Risk

- 81. The Future Proof risk register is monitored and regularly updated. At the time of writing, the risk register does not show any high risks. Additionally, in relation to Future Proof, UNISA, Waikato Mayoral Forum and Waters projects, this report is for information purposes only so there is no decision making risk at this stage.

Signatory

Authoriser	Brian Croad, General Manager City Environments Group
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Committee: Strategy & Policy Committee **Date:** 24 February 2015
Report Name: Six Monthly Report from the **Author:** Brendan Stringer
 Chairs of the Subcommittees
 to the Strategy and Policy
 Committee

Status	<i>Open</i>
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Recommendation

That the Reports from the respective Chairpersons of the Community Forum, Hearings, Civil Defence and Emergency Management, and Business and Investment Subcommittees be received.

1. Attachments

2. Attachment 1 - Hearings Subcommittee Chairperson's Report
3. Attachment 2 - Civil Defence and Emergency Management Subcommittee Chairperson's Report
4. Attachment 3 - Community Forum Subcommittee Chairperson's Report
5. Attachment 4 - Business and Investment Subcommittee Chairperson's Report



Hearings Subcommittee Chairperson's Report

February 24, 2015

1. This is the six monthly Chairperson's Report to the Strategy and Policy Committee of Council.

2. Subcommittee Meetings since last report:

- 23 July 2014 Disqualification from Dog Ownership
- 7 October 2014 Classification of Dog as Menacing
- 8 December 2014 Parking Restriction Changes

The Agendas and Minutes of the Meetings can be found here:

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

3. Update on the Subcommittee's Work Programme

The Hearings Subcommittee continues to act as and when required. The fact that only three Hearing dates have been cancelled over the last six months is a credit to staff and the policies and processes they follow and implement.

4. Major Achievements

Business as usual

5. Emerging issues

Nil

6. Recommendation

That the Hearings Subcommittee's six monthly update report from July 2014 to January 2015 be received.

Cr Margaret Forsyth
Chair Hearings Sub Committee

Civil Defence and Emergency Management Subcommittee

Chairperson's Report

February 24, 2015



Item 19

1. This is the six monthly Chairperson's Report to the Strategy and Policy Committee of Council.

2. Subcommittee Meetings since last report:

- 23 September 2014

The Meeting of 5 December 2014 lapsed due to lack of quorum.

The Agendas and Minutes of the Meetings can be found here:

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

3. Update on the Subcommittee's Work Programme

The following matters were discussed at the Subcommittee at the Meeting of 23 September 2014:

- Senior pupils from Whitiara School visited the CD operations centre on the 10th of September and participated in a role play of an emergency situation.
- Get Ready Get Thru week commenced on the 22nd of September 2014 and involved the Mayor and the Chair of the CDEM Subcommittee along with CDEM staff handing out information packs in the Downtown Plaza.

4. Major Achievements

The highlights for the Subcommittee in the last 6 months included:

- The Group Civil Defence (CD) centre at Mystery Creek is now operational in the event that the Regional Operations Centre is out of action for some reason; it is a very up-to-date facility and Hamilton City Council thanks Mystery Creek Events centre for its collaboration.

5. Emerging issues

Attachment 2

Nil

6. Recommendation

That the Civil Defence and Emergency Management Subcommittee Chairperson's Report from July 2014 to January 2015 be received.

Cr Leo Tooman
Chair Civil Defence and Emergency Management Subcommittee

Community Forum Subcommittee Chairperson's Report

February 24, 2015



Item 19

1. This is the six monthly Chairperson's Report to the Strategy and Policy Committee of Council.

2. Subcommittee Meetings since last report:

- 15 August 2014
- 24 October 2014
- 3 December 2014

The Agendas and Minutes of the Meetings can be found here:

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

3. Update on the Subcommittee's Work Programme

The Community Forum Subcommittee continues to meet on a regular basis to discuss issues affecting our community. The structure and format of the Subcommittee has evolved over the past 12 months as each meeting was evaluated by staff and elected members to ensure robust discussion and decision-making could take place.

The key themes presented to the Subcommittee in the last 6 months included Housing, Youth, Safety, Social Statistics, and Pacific and Ethnic Communities. Particular mention is made of the following matters:

- The Pacific and Ethnic Community Forum held in October 2014 highlighted a growing need for additional community space by both Ethnic organisations and K'aute Pasifika.
- The Social Statistics report presented to the Subcommittee in December 2014 provided new information from the 2013 Census that was relevant to Hamilton City. This included benchmark information to compare Hamilton to other major cities. It also provided information of the deprivation index and how this could inform the prioritisation of Council community services.

Attachment 3

4. Major Achievements

Refer to the Update above.

5. Emerging issues

The Subcommittee will focus on 6 specific areas in 2015:

- Active Lifestyle - February
- District Health - April
- Housing/Sustainable Living - June
- Art Facilities - August
- Ethnic Communities - September
- Access/Disability - November

6. Recommendation

That the Community Forum Subcommittee Chairperson's Report from July 2014 to January 2015 be received.

Cr Martin Gallagher
Chair Community Forum Subcommittee



Business and Investment Subcommittee Chairperson's Report

February 24, 2015

1. This is the six monthly Chairperson's Report to the Strategy and Policy Committee of Council.

2. Subcommittee Meetings since last report:

- 15 July 2014
- 20 August 2014
- 13 November 2015

The Agendas and Minutes of the Meetings can be found here:

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

3. Update on the Subcommittee's Work Programme

The B&I continues to work on actions in the Council's economic development strategy, the Economic Development Agenda, including easy to do business and the investment prospectus. The Subcommittee has received presentations from the Hamilton Central Business Association and Hamilton Waikato Tourism. Staff are currently working with the BID on a review of the policy. The Subcommittee has also received and discussed presentations relating to developments and investment in the city.

A large part of the Subcommittee's focus has been on developing the Central City Transformation Plan, which has included information gathering and stakeholder meetings. The Property Council hosted an event with members and central city property owners attended by over 200 people to gather information and views for the CCTP.

4. Major Achievements

- Obtaining economic information about Hamilton separate from the Waikato.
- New economic information page on the HCC website which includes economic reports and links to other relevant sites and information.

- Production of the Hamilton quarterly economic monitoring report and launch event in conjunction with PWC and Infometrics.

5. Emerging issues

None

6. Recommendation

That the Business & Investment Subcommittee Chairperson's Report from July 2014 to January 2015 be received.

Mayor Julie Hardaker
Chair Business and Investment Subcommittee

Committee: Strategy & Policy Committee **Date:** 24 February 2015
Report Name: Action List for 24 February 2015, Actions Still Underway or Pending for HCC Submissions to External Organisations and Policy & Bylaw Review Scheduling **Author:** Brendan Stringer

Status	<i>Open</i>
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Recommendation

That the Report be received.

1. Attachments

2. Attachment 1 - Strategy and Policy - Action List for 24 February 2015
3. Attachment 2 - Actions Still Underway or Pending for HCC Submissions to External Organisations
4. Attachment 3 - Policy & Bylaw Review Scheduling

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Strategy and Policy Committee - Action List at 16 February 2015

D-1330420

Meeting Date	Item	GM Responsible	Action	Status
25-Jul-13	Peace Tiles - Progress on Project	Performance	Staff to report back on status of project	Chair's report to February 2015 S&P Committee includes recommendation.
06-Aug-13	Smoke-free Environment Policy Review:	Performance	Staff to report back on alternative options for enforcement of the Smoke-free stance and the inclusion of synthetic cannabis.	In development (an action of Central City Safety Plan)
28-Nov-13	Events Strategy Development	E&ED	Present draft strategy to S&P Committee meeting by 30 June 2015	In progress
28-Nov-13	Develop and recommend a strategy to optimise use of the Municipal Endowment Fund and Domain Endowment Fund	E&ED	Present draft strategy to S&P Committee meeting by 30 June 2015	In Progress
05-Feb-14	Public Art Process Review	Performance	An update on the review to be reported to 8 April 2015 S & P Committee meeting	In progress
26-Jun-14	Public Art Panel and Arts Forum Terms of References	Performance	Review of Public Art process, policy and plan is in progress. The Arts Forum is aiming to complete a review of the Arts Agenda for 26 May 2015.	In progress
18-Mar-14	Public Art Update (Passing Red Sculpture) - Hinemoa Park	Community	A project for development of this part of Hinemoa Park considered as part of the 10 Year Plan	HCC working with Te Awa River Ride Trust on a site for the artworks. Site approval subject to Te Awa River Ride developments.
30-Apr-14	Wairere Drive to Cobham Connection	Infrastructure	Parks and Open Spaces to include consideration of space required to four lane Wairere Drive during the review process of the East Town Belt Concept Plan which will take place in 2015/16.	In progress
15-Aug-14	Sustainable Hamilton Strategy (Sustainability Panel Report)	Performance	Circulate report to Sustainability Strategy Leadership Forum for consideration (resolution from Community Forum Sub-Committee)	In progress
16-Jul-14	Biking Plan (Cycleways)	Infrastructure	Staff report on Biking Plan to 8 April 2015 S&P Committee	In progress
16-Jul-14	Zoo Strategic Review - Zoo Master Plan	E&ED	The Working Group will report back to S&P Committee on 8 April 2015	In progress
16-Jul-14	Community Assistance Funding Working Group	Community	Recommendation from Working Group to be considered in 2015-25 10YP	Completed
03-Sep-14	Psychoactive Substances Policy - Regulations Update	Performance	A briefing to be arranged regarding the implication of the Psychoactive Substances Regulations on the Hamilton City Council Psychoactive Substances Policy	In progress
03-Sep-14	Herbicides Policy (Streetscape Beautification)	Community	Staff to report on plants used in streetscapes as part of the Streetscape Beautification and Management Policy Review to be scheduled for Business and Investment Sub-committee.	In progress

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Meeting Date	Item	GM Responsible	Action	Status
19-Nov-14	Hamilton City Dog Control Bylaw and Policy Review	Environments	Statement of Proposal for proposed bylaw and policy for public consultation reported to 24 February 2015 S&P Committee	In progress
19-Nov-14	Cemeteries Draft Management Plan	Community	Following hearings in February/March, final plan reported to 8 April S&P meeting	In progress

ACTIONS STILL UNDERWAY OR PENDING FOR HCC SUBMISSIONS TO EXTERNAL ORGANISATIONS: 24 FEBRUARY 2015 STRATEGY AND POLICY COMMITTEE AGENDA

(For all submissions made by HCC, refer <http://www.hamilton.govt.nz/our-council/consultation-and-public-notice/councilsubmissions/Pages/default.aspx>)

INFORMATION CURRENT AS AT 16/2/15

Note: The following schedule identifies submissions made by HCC to external organisations since March 2013 where the process has not been fully completed and where various actions are still underway or pending. Updates to the schedule that formed part of the 19 November 2014 Strategy and Policy Committee meeting agenda are highlighted in yellow.

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
365	Freshwater Reform 2013 and Beyond http://www.mfe.govt.nz/publications/water/freshwater-reform-2013/index.html	Ministry for the Environment	8/4/13	Final submission considered and retrospectively approved on 21/5/13.	<p>The information gathered from submissions was used to further inform and assist in the development of a more detailed package of longer term reforms, including proposed amendments to the National Policy Statement (NPS) for Freshwater Management 2011. The following link provides a summary of the feedback received from the 367 submitters to the consultation. http://www.mfe.govt.nz/issues/water/freshwater/freshwater-reform-2013/summary.html</p> <p>The NPS for Freshwater Management supports improved freshwater management by directing regional councils to establish objectives and set limits for fresh water in their regional plans. Subsequent to the submission process outlined above, recent amendments were made to the NPS that provide regional councils with specific direction on how this should be done.</p> <p>These amendments are included in the NPS for Freshwater Management 2014 (NPS-FM 2014), which became effective on 1/8/14. Regional councils must fully implement provisions in the NPS-FM 2014 by 2025.</p> <p>The MFE also requested information from staff on populating Appendix 3 of the NPS-FM 2014 i.e. MFE specifically sought <i>"Information and data you wish to share about in-stream infrastructure such as location, interactions with the freshwater environment and evidence that the presence and operation of the infrastructure contributes to the existing freshwater quality"</i>.</p> <p>To assist with this request, HCC staff made a submission to MFE on Appendix 3 on 11/9/14 and requested that the following be included :</p> <ul style="list-style-type: none"> Hamilton City with its inherent land uses, third party activities and infrastructure, which includes (but not exclusively): <ul style="list-style-type: none"> Hamilton's Water Treatment Plant intake structure, the treatment plant and

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
					<ul style="list-style-type: none"> ➤ water network use to supply municipal and domestic users. ➤ Hamilton's Wastewater Treatment Plant and network and outfall structure. ➤ Hamilton's stormwater system and outfalls to catchment. ➤ Hamilton's roading and transportation networks. <p>The MFE acknowledged receipt of HCC's staff submission and advised that they received substantial information and evidence on infrastructure from councils and infrastructure operators.</p> <p>The decision to progress work on populating Appendix 3 of the NPS-FM is one for Ministers to take. MFE is advising the Minister for the Environment on this matter. When decisions have been made more information on the next steps and timing will be made available.</p>
386B	Alteration to Designation for the Waikato Expressway – Hamilton Section http://www.waikatoregion.govt.nz/Services/Regional-services/Consents/Resource-consents/Significant-applications-hearings-and-decisions/Waikato-Expressway-Hamilton-Section/	Waikato District Council	18/12/13	Final submission considered and retrospectively approved on 5/2/14.	<p>Waikato District Council and Hamilton City Council received Notices of Requirement from the NZ Transport Agency (NZTA) for alterations to the existing designation for the Hamilton section of the Waikato Expressway.</p> <p>Waikato Regional Council has received resource consent applications from the NZTA in relation to construction and operation of the Hamilton section of the Waikato Expressway. The hearing commenced on the 28/4/14 and the City Planning Manager tabled evidence on behalf of HCC. The hearing was then adjourned to 26/5/14 and closed on 10/6/14. Recommendations were sent to NZTA as the Requiring Authority.</p> <p>The NZTA has now sent their decisions to all submitters and directly affected parties. The appeal period closed on 8/8/14. Two appeals were received to the Designation within Waikato District.</p> <p>HCC has lodged a notice with the Environment Court to be a party to the proceedings under Section 274 of the Resource Management Act in relation to one of the appeals (appellant A), which relates to the Resolution Drive Interchange. The Environment Court has been advised that HCC is agreeable to participating in mediation of the appeal in the first instance.</p> <p>The NZTA has met with appellants A and B and remains hopeful the parties will reach resolution through negotiation. NZTA is undertaking further work to provide appellant A</p>

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398	HCC's and the NZ Transport Agency's Notices of Requirement to the Southern Links Project http://www.waipadcc.govt.nz/HamiltonSouthernLinks	Waikato District Council, Waipa District Council and Hamilton City Council	28/2/14	Final submission considered and retrospectively approved on 18/3/14.	<p>with additional information regarding the Project's effects. A judicial conference will be convened in the week of 2 March 2015.</p> <p>The hearing commenced on 21/7/14. Staff spoke in support of HCC's submission on the NZTA's requirement on 24/7/14. Hearings were adjourned to 1/9/14 and were completed on that day.</p> <p>On 24/10/14, the Commissioners' made their recommendations on the NZTA's requirements and decisions on HCC's requirements and the NZTA's and HCC's resource consent applications. The decisions and recommendations were issued to the parties the following week.</p> <p>The decision confirms HCC's requirement (with conditions, including a lapse period of 20 years) and grants HCC consent (with conditions, including lapse periods of 20 years) to construct a bridge over the Waikato River east of Hamilton Gardens and another over the Mangakotukutuku Stream. One appeal was lodged against the decision on HCC's requirement. HCC did not appeal the decision.</p> <p>The Commissioners have granted the NZTA consent (subject to conditions, including a lapse period of 20 years) to construct a bridge crossing the Waikato River at the Narrows and recommended the NZTA confirms the new designations and alteration to existing designation subject to conditions, including lapse periods of 20 years. The NZTA's decisions on the Commissioner's recommendations regarding the NZTA's requirements were issued in December 2014. Two parties have appealed aspects of the NZTA's decisions. HCC (as Requiring Authority and the NZTA's Southern Links project partner) is preparing a notice to become a Section 274 party to one of the appeals.</p>
399	Psychoactive Substances Regulations: A Consultation Document http://www.health.govt.nz/publication/psychoactive-substances-regulations-consultation-document	Ministry of Health	21/3/14	Final submission considered and retrospectively approved on 30/4/14.	<p>All psychoactive products became unapproved on 8 May 2014 and it is now an offence to possess, supply or sell them. The intent of the original Psychoactive Substances Act remains, with approved low risk products able to come to market in the future when regulations are made.</p> <p>Subsequent to the submission phase, on 1/8/14 the Ministry of Health released the Regulations which support the Psychoactive Substances Act 2013. The Regulations mainly deal with manufacture, labelling and advertising, and include the following:</p> <ul style="list-style-type: none"> • Psychoactive Substances Regulations 2014. • Psychoactive Substances (Fees and Levies) Regulations 2014.

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					<ul style="list-style-type: none"> Psychoactive Substances (Infringement Fees and Form of Notices) Regulations 2014. <p>The Psychoactive Substances Regulations 2014, which took effect on 3/11/14, allows for applications for product approvals and licensing for import, research, manufacturing and sale on unapproved products to be made.</p> <p>The new Psychoactive Substances Regulatory Authority website, which went live on 3/11/14, can be accessed at http://psychoactives.health.govt.nz/</p> <p>All psychoactive products must have approval from the Regulatory Authority before they can be sold on the New Zealand market. The products must pose no more than a low risk of harm to users, and go through a pre-market approval process similar to that required for medicines. This approval process ensures that the products have been formulated, manufactured and tested to a high level of quality and safety that satisfies the Authority and meets the intention of the Act.</p> <p>Products that previously had an interim product licence will have to reapply for approval and meet the new requirements. Approvals will not be automatically renewed.</p> <p>The pre-market approval requirements mean that comprehensive information on the product needs to be provided. This includes developing quality systems for manufacturing and testing for safety which includes the specific, pharmacological, psychoactive and toxicological effects of the substance. It also includes the potential for dependence, the potential misuse of the substance, and its effects on vulnerable members of the community.</p> <p>All this information will need to be created, collated, assessed and approved. It is considered that the first product approval would not be able to be granted for at least two years. The second set of regulations, which allow for applications for retail and wholesale licences, are in progress and will take effect some time in 2015 (date not yet confirmed).</p> <p>At its 3/9/14 meeting, the Strategy and Policy Committee noted that the Ministry of Health's Regulations, which support the Psychoactive Substances Act 2013, dealt with issues that had an impact on the Hamilton City Council Policies and that these should be discussed at a Council briefing. This briefing is scheduled for 17/3/15.</p>

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					<p>On 1/10/14 the MOH advised that they will not be publishing a formal summary of submissions on the consultation of the Psychoactive Substances Regulations. However, they have addressed the most common concerns highlighted during the consultation process as part of the FAQs on their website http://psychoactives.health.govt.nz/psychoactive-substances-act-2013/frequently-asked-questions</p>
404	Building (Earthquake-Prone Buildings) Amendment Bill http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH_BILL12960_1/building-earthquake-prone-buildings-amendment-bill	Local Government and Environment Select Committee	17/4/14	Final submission considered and retrospectively approved on 30/4/14.	<p>A Council workshop on this topic was held on 15/5/13. Councillor O'Leary presented HCC's submission via teleconference to the Local Government and Environment Select Committee hearing on 19/6/14 at 11.20 a.m. (a 20 minute timeslot). HCC's Building Control Manager was also in attendance at the hearing.</p> <p>The Local Government and Environment Select Committee is now scheduled to report back to Parliament on 30/3/15 (the previous committee was scheduled to report back to Parliament on 5/9/14).</p> <p>In December 2014 HCC staff sent an information update to all stakeholders/building owners advising them that the Building (Earthquake-Prone Buildings) Amendment Bill could potentially replace HCC's 'Earthquake-Prone, Dangerous and Insanitary Buildings Policy' with a national regime for earthquake strengthening work. The letter updated stakeholders/building owners on key changes and how the Bill could affect them if enacted.</p>
410	Discharge Dairy Factory Liquids to Land and Contaminants to Air - Waikato Region	Waikato Regional Council	13/6/14	Submission made under the Chief Executive's delegated authority for RMA submissions.	<p>Fonterra Limited has applied for a resource consent to irrigate dairy factory liquids onto rural zoned land within the Waikato Region. The activity has occurred within the Waikato Region for a number of years, by Fonterra and by other companies.</p> <p>The consent conditions proposed by the Waikato Regional Council are consistent with other consents held by other companies for irrigation of dairy factory liquids.</p> <p>The application timeframe has been extended (as per Section 37A of the RMA 1991) with Fonterra's approval. This is to allow Fonterra time to review the draft conditions, provide feedback and work with the Waikato Regional Council (WRC) on the consent. In particular, WRC is working on Phosphorus P leaching monitoring conditions that requires input from technical experts.</p>

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414	Proposed Auckland Unitary Plan – Further Submissions http://www.aucklandcouncil.govt.nz/EN/planspolicies/projects/plansstrategies/unitaryplan/Pages/submissions.aspx	Auckland Council	22/7/14	Submission made under the Chief Executive's delegated authority for RMA submissions.	<p>The application has now been approved (noting that the appeal period passed without any appeal).</p> <p>The consultation period for further submissions opened on 11/6/14 and closed on 22/7/14. The process is technical in nature. City Planning staff analysed approximately 100,000 further submission points and identified where any further submissions were required to be made in line with HCC's original 28/2/14 submission.</p> <p>As there were no points of a contentious nature, HCC's 'further submission' was made under the Chief Executive's delegated authority for RMA submissions.</p> <p>Hearings for further submissions commenced in September 2014 and the process will continue until July 2016. HCC's submission and further submissions will be considered as part of the hearings process. The link to the Independent Hearings Panel hearing schedule is http://www.aupihp.govt.nz/documents/docs/aupihpproposedorderhrgrtopics.pdf</p> <p>Hearing documents can be found at http://www.aupihp.govt.nz/hearings/</p> <p>HCC staff are also working with Future Proof partners to ensure that relevant submission points are considered by the Hearings Panel. At this stage, it is not proposed that HCC staff will appear in person at the hearings, given the structure of the hearings and the time/cost involved.</p>
416	Draft Government Policy Statement on Land Transport 2015/16-2024/25 http://www.transport.govt.nz/ourwork/keystrategies/ndplans/gpsonlandtransportfunding/gps2015/	Ministry of Transport	15/8/14	Final submission considered and retrospectively approved on 3/9/14.	<p>The draft GPS 2015 sets out the priorities, objectives and funding levels for land transport. It establishes funding ranges for land transport activity classes and identifies the results expected from this investment.</p> <p>The Draft GPS 2015 includes:</p> <ul style="list-style-type: none"> • National objectives for land transport. • The results the Crown wishes to achieve from the allocation of funding from the National Land Transport Fund. • The Crown's land transport investment strategy. • The Crown's policy on borrowing for the purpose of managing the National Land Transport Programme. <p>The MOT subsequently advised that HCC's submission was forwarded to the project team developing the GPS, and that recommendations about the final GPS were to be made</p>

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					after the engagement period was completed.
418	NZ Transport Agency's Notices of Requirement to Alter Existing Designations for the Waikato Expressway (Hamilton Section) to Accommodate the Ruakura Interchange and Connecting Roads http://www.hamilton.govt.nz/our-council/council-publications/operativedistrictplan/Pages/Waikato-Expressway---Hamilton-Section---Ruakura-Interchange.aspx	Waikato District Council and Hamilton City Council (submission was sent to Rice Resources Limited)	22/10/14	Final submission considered and retrospectively approved on 19/11/14.	<p>Final decisions on the GPS were deferred until after the September 2014 General Election. The Minister of Transport released the final GPS on 18/12/14, which can be accessed at: http://www.transport.govt.nz/assets/Uploads/Our-Work/Documents/GPS-2015.pdf</p> <p>HCC and Waikato District Council received Notices of Requirement (NoRs) from the NZ Transport Agency (as the requiring authority) to alter the existing designations for the Hamilton Section of the Waikato Expressway to enable the construction, operation and maintenance of the Ruakura Interchange and connecting roads.</p> <p>The NoRs provide for widening of existing designations to accommodate the Ruakura Interchange ramps, connecting roundabouts and roads and a stormwater wetland. The NoRs are intended to enable a direct link between the proposed Inland Port/Logistics and Industrial Areas of the Ruakura Development and the Hamilton Section of the Expressway. Furthermore, they will enable a link to State Highway 26 via the existing and a new relocated Ruakura Road.</p> <p>If the NoRs are confirmed and the Ruakura Interchange is able to be constructed at the same time as the remainder of the Hamilton Section of the Waikato Expressway, then NZTA will not construct the currently designated north facing ramps at State Highway 26 (Morrinsville Road).</p> <p>The City Planning Unit co-ordinated development of HCC's submission which supported the NoRs. This was circulated to Elected Members on 16/10/14 for feedback, with comments due back by 21/10/14. As no feedback was received, the final submission sent remained unchanged to that of the draft.</p> <p>A total of 38 submissions and one late submission were received on the Ruakura Interchange NoRs.</p> <p>The NoRs were heard by Independent Commissioners appointed by HCC and Waikato District Council, between 9th and 11th December 2014. A HCC staff member presented evidence at the hearing. On 9/2/15, the Commissioners recommended to the NZTA that each of the two NoRs should be confirmed subject to a separate set of conditions. The NZTA will now consider this recommendation and, in due course, issue its decision on the recommendations.</p>

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419	<p>Waikato District Council's Proposed Local Alcohol Policy 2014</p> <p>http://www.waikatodistrict.govt.nz/Have-your-say/Public-consultation/Local-Alcohol-Policy-Survey.aspx</p>	Waikato District Council	21/11/14	Final submission to be considered and retrospectively approved on 24/2/15.	<p>Waikato District Council (WDC) requested HCC's feedback on their Proposed Local Alcohol Policy 2014.</p> <p>HCC's submission was of a supportive nature and similar to the one made to Waipa District Council's Proposed Local Alcohol Policy on 9/8/13 i.e. we supported their approach of limiting the location of off-licences to commercial zones/centres and maximum trading hours of 9.00am to 10.00pm, which is consistent with the approach being considered by HCC.</p> <p>We also supported regional consistency and continue to work with WDC around the District Licensing Commission's monitoring and reporting functions.</p> <p>HCC's draft submission was circulated to Elected Members for feedback on 12/11/14. As no feedback was received, the final submission sent remained unchanged to that of the draft.</p>
421	<p>Draft Waikato Regional Land Transport Plan 2015-2045</p> <p>http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Transport-policy/RLTP/Draft-Regional-Land-Transport-Plan-2015-2045/</p>	Waikato Regional Council	19/12/14	Final submission to be considered and retrospectively approved on 24/2/15.	<p>A new Regional Land Transport Plan has been developed for the region by the Waikato Regional Transport Committee, which sets out how they intend to develop the region's land transport system over the next 30 years. It also identifies proposed regional transport activities for investment (local and/or central government) over the next six years.</p> <p>The plan's scope includes policy and activities related to roading maintenance and improvements, public transport services and infrastructure, walking and cycling infrastructure, road safety education and transport planning across the region. The plan is a new document that replaces the current Regional Land Transport Strategy and Regional Land Transport Programme.</p> <p>City Transportation developed HCC's draft submission, which was circulated to Elected Members for feedback on 10/12/14. No feedback was received.</p> <p>The Waikato Regional Council provided HCC an extension to the original 15/12/14 submission closing date through to 19/12/14. HCC was represented on the Hearings Committee by Councillor Tooman. Staff spoke in support of HCC's submission on 16/2/15.</p>

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422	Draft Waikato Regional Public Transport Plan 2015-2025 http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Transport-policy/Regional-Public-Transport-Plan/Draft-Regional-Public-Transport-Plan-2015-2025/	Waikato Regional Council	19/12/14	Final submission to be considered and retrospectively approved on 24/2/15.	<p>The draft Regional Public Transport Plan sets out what services will be delivered and how over the next 10 years.</p> <p>The Waikato Regional Council, in conjunction with key stakeholders, undertook a strategic network review (SNR) in 2013. The purpose of the SNR was to review the current public transport services provided within the Waikato Region and determine the optimal form of a future network to meet the needs of the region.</p> <p>The SNR identified that the current public transport network in Hamilton is largely supply driven and is over-delivering in some parts of the network. Implementing the outcomes of the SNR will require a step change in public transport service provision in order to deliver a better balance between demand and supply-led services.</p> <p>The Regional Public Transport Plan was developed by the Regional Public Transport Plan Development Committee in close collaboration with the NZTA, territorial authorities, bus operators, the Ministry of Education and other key stakeholders from the business, health, access and mobility, and education sectors.</p> <p>City Transportation developed HCC's draft submission, which was circulated to Elected Members for feedback on 10/12/14. Feedback received from Councillor Yeung was incorporated into the final submission.</p> <p>The Waikato Regional Council provided HCC an extension to the original 15/12/14 submission closing date through to 19/12/14. HCC was represented on the Hearings Committee by Councillor Forsyth. Staff spoke in support of HCC's submission on 10/2/15.</p>
423	Using Land for Housing (Issues Paper, November 2014) http://www.productivity.govt.nz/inquiry-content/2060?stage=2	New Zealand Productivity Commission	23/1/15	Final submission to be considered and retrospectively approved on 24/2/15.	<p>The Government asked the NZ Productivity Commission to review and make recommendations on how to improve planning and development systems in order to deliver an adequate supply of land for housing.</p> <p>In particular, the Commission was asked to examine the by-laws, processes and practices of local planning and development systems across New Zealand's faster-growing urban areas. The Commission was also asked to identify councils that are effective in making enough land available to meet housing demand and processes that could be adopted more widely. In addition, the Commission will examine overseas approaches to identify leading practices that may provide valuable lessons for New Zealand.</p>

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					<p>Following submissions to the Issues Paper, a draft report will then be released for further submissions in May 2015. The Commission's final report is scheduled to reach Government on 30/9/14.</p> <p>HCC's draft submission was circulated to Elected Members for feedback on 15/1/15. There was significant Elected Member input into development of HCC's final 23/1/15 submission.</p> <p>Staff from the NZ Productivity Commission will meet with HCC representatives on 23/2/15 to discuss Council's submission as well as the various processes that are used to ensure Hamilton has an adequate supply of land for housing development.</p>
425	<p>Waikato District Draft Sports Park Reserve Management Plan http://www.waikatodistrict.govt.nz/Documents/Library/Files/Have-your-Say/Public-consultations/Sports/Draft-Sports-Park-Management-Plan-compressed.aspx</p> <p>Waikato District Council Draft General Reserve Policies Management Plan http://www.waikatodistrict.govt.nz/Documents/Library/Files/Have-your-Say/Public-consultations/Sports/Draft-General-Policies-Reserve-Mgmt-Plan-Master.aspx</p>	Waikato District Council	Closing date is 20/3/15.	Final submission to be considered and retrospectively approved on 8/4/15.	<p>The Draft Sports Park Reserve Management Plan outlines the future use and development of sports parks (including golf courses and tennis courts) administered by Waikato District Council.</p> <p>The Draft General Reserve Policies Management Plan outlines management policies for all reserves in Waikato District.</p> <p>This will be a high level strategic submission (developed by the Parks and Open Spaces Unit) recommending that WDC's use and development of sports parks:</p> <ul style="list-style-type: none"> • Is aligned to the Waikato Regional Sports Facility Plan 2014. • Takes a holistic view and considers important cross-boundary issues that are cost-effective for ratepayers of Hamilton and the Waikato District.
426	<p>Local Government Funding Review: A Discussion Paper (February 2015) http://www.lgnz.co.nz/home/news-and-media/2015-media-releases/lgnz-review-launches-discussions-on-new-funding-model-for-local-government/</p> <p>http://www.lgnz.co.nz/assets/Uploads/Our-work/Local-Government-Funding-Review.pdf</p>	LGNZ	Closing date is 27/3/15.	Final submission to be considered and retrospectively approved on 8/4/15.	<p>On 2/2/15 LGNZ released a consultation paper outlining a number of fundamental challenges facing local government in New Zealand and said that a new cooperative funding model with central government is required.</p> <p>In the first of a two-stage review, LGNZ describes the extent of the demographic, economic and infrastructure challenges facing councils, and considers options and alternatives which can complement councils' available funding tools and provide incentives to stimulate economic growth.</p> <p>The paper notes that the funding challenge is not limited to operational costs. There are</p>

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					<p>also pressures on long-term capital expenditure e.g. Auckland alone is likely to spend \$10 to \$15 billion over the next 30 years.</p> <p>LGNZ proposes a “principles-based partnership” model with central government. This would include central government “fully considering the costs and benefits of decisions for local communities and co-funding costs where policy proposals have significant national and local benefit”.</p> <p>The second stage of the review will be to receive responses and incorporate the best ideas into a final paper which proposes a strategy and long-term, sustainable funding model. Councils presently spend approximately 10.5% of all public expenditure, yet raise only 8.3% of all public revenue.</p>
427	<p>Rules Reductions Submissions</p> <p>https://www.govt.nz/browse/housing-and-property/renovating-and-building/rules-reduction-submissions</p> <p>http://beehive.govt.nz/release/taskforce-cut-red-tape-announced</p>	Department of Internal Affairs	TBC	TBC	<p>The Rules Reduction Taskforce has been established to remove confusing and costly property rules and regulations that are stopping people from ‘getting on with the job’. Taskforce members have considerable experience across the building and trades sectors as well as central and local government.</p> <p>The Taskforce will hold public hearings around the country between March and May 2015, as well as consider submissions made online, and report back to Government outlining areas where improvements can be made and red tape cut.</p>
428	Watercare’s December 2013 Application for a Water - Take Resource Consent from the Waikato River	Waikato Regional Council	TBC	TBC	<p>SLT discussed the Watercare application (amongst other strategic water issues) on 8/9/14. An update on strategic water issues, including the Watercare application, will be provided in the report ‘Strategic Roundup Report – Update on Future Proof, Upper North Island Strategic Alliance and Mayoral Forum’ that is to be discussed at the 24/2/15 Strategy and Policy Committee meeting.</p>

Policy and Bylaw Review Scheduling 2015

S&P Committee	Draft policies or bylaw reports	Description of report	Information current as at 16/2/15
Date			Review led by
8 April	Art in Public Places	<ul style="list-style-type: none"> To be reviewed in conjunction with the Public Art Plan Largely operationally focused to guide the management and maintenance of Council's public art collection e.g. public art panel role and de-accessioning or relocation criteria Recommendation is to delete policy and capture key content in Public Art Plan. 	Community / Hamilton Arts Forum
	Older Persons Plan	<ul style="list-style-type: none"> Council tasked the Older Persons Advisory Panel with the development of an Older Persons Plan for Hamilton. A variety of goals and actions designed to consider the needs of older people in terms of council facilities and services, safety, having their say on key issues and being recognised and celebrated Recommendation is to adopt plan Briefing recommended to provide context 	Community/ Older Persons Advisory Panel
	Business Improvement District Policy	<ul style="list-style-type: none"> The policy provides guidance on the establishment and administration of BID programmes and associated targeted rates Need for review identified by staff to ensure it continues to be current and workable and aligns with Central City Transformation Plan Minor changes recommended. Need for supporting documents identified 	Events & ED/ Business and Investment subcommittee
	Dog Control Bylaw and Policy 2015 – Hearings* **	<ul style="list-style-type: none"> Elected members to hear submitters who wish to speak Hearings report is to provide an overview of submissions made in regards to the review of the Dog Control Bylaw 2015 and Dog Control Policy. 	City Environments
	Public Places Liquor Control Bylaw 2010 Determination Report	<ul style="list-style-type: none"> For Council to determine whether a bylaw is the most appropriate way of addressing the issue of consumption of alcohol in public. 	City Environments
26 May	Class 4 Gambling Venue Policy* **	<ul style="list-style-type: none"> To be reviewed in conjunction with the Board TAB Venue Policy Gambling Act amended 4 September 2013. New provisions required to be considered at first review of policy. Policy due for review August 2016 Recommendation to review earlier to clarify relocation requirements and amend other inconsistencies identified Briefing provided September 2013 Further detailed briefing strongly recommended 	City Environments
	Gambling – Board (T.A.B) Venue Policy*	<ul style="list-style-type: none"> To be reviewed in conjunction with the Class 4 Venue Policy 	City Environments

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Policy and Bylaw Review Scheduling 2015

S&P Committee Date	Draft policies or bylaw reports	Description of report	Information current as at 16/2/15	Review led by
	**	<ul style="list-style-type: none"> Policy due for review August 2016 Recommendation to review earlier Further detailed briefing strongly recommended 		
	Heritage Plan	<ul style="list-style-type: none"> Adoption of Plan for public engagement 		City Environments
	Councillor's attendance at Conferences, Seminars and Training	<ul style="list-style-type: none"> Policies outline guidelines or 'rules' around elected member activity 		Customer Relationships
	Elected Member's Expenses and Allowances	<ul style="list-style-type: none"> Review has identified overlap between policies and opportunity for significant streamlining. 		
	Remuneration to External Members of Council Committees	<ul style="list-style-type: none"> Recommendation that the current 7 policies be deleted and the key content be captured into 2 overarching key policies 		
	Elected Member's Remuneration	<ul style="list-style-type: none"> Briefing strongly recommended. Review contains some complex matters and potential implications on current practise. 		
	Elected Member's IT			
	Corporate Hospitality and Entertainment Policy			
	Elections – Comms with the Public			
	Storm Water Bylaw – Adoption Report	<ul style="list-style-type: none"> Presents the proposed bylaw for adoption following consultation, taking into account feedback received during consultation 		City Infrastructure
	Dog Control Bylaw Amendment 2009 – Final Report* **	<ul style="list-style-type: none"> Presents the outcome of the consultation, submissions and deliberation process with a draft Dog Control Policy and Dog Control Bylaw 2015 for Adoption. 		City Environments
	Public Places Liquor Control Bylaw 2010 – Statement of Proposal Report*	<ul style="list-style-type: none"> LGA 02 requires that the form of bylaw be determined and that the proposed bylaw is not inconsistent with NZBORA. Present draft bylaw to Council to adopt for public consultation 		City Environments
	Street & Directional Signage	<ul style="list-style-type: none"> To be reviewed in conjunction with the Gateways Policy Largely operational detail to guide staff implementation Recommendation is to delete both policies and incorporate into the Signage Plan Signage criteria likely to remain the same 		City Infrastructure
	Hamilton City Gateways Policy	<ul style="list-style-type: none"> To be reviewed in conjunction with the Directional Signage Policy Strategic decisions required to determine location and LOS for gateways but does not need to be documented in Policy Significant funding implications in the 10 Year Plan 		City Infrastructure (Community)

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Policy and Bylaw Review Scheduling 2015

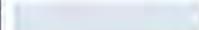
S&P Committee Date	Draft policies or bylaw reports	Description of report	Information current as at 16/2/15	Review led by
		<ul style="list-style-type: none"> Recommendation is to delete both policies and incorporate into the Signage Plan 		
	Streetscape Beautification & Management	<ul style="list-style-type: none"> The Policy outlines the high level approach to managing the road reserve and has several focuses: street trees, street planting and berm management. Recommendation is that the policy be retained with some changes <ul style="list-style-type: none"> streamline content add in a broad criteria and process for the removal and/or replacement of trees change name of policy to 'street beautification and berm maintenance' 		City Infrastructure
7 July 2015	Citizens Initiated Referenda			Customer Relationships
	Election Signs			Customer Relationships/ City Environments
	Trade Waste Bylaw 2006 Determination Report*	<ul style="list-style-type: none"> LGA 2002 requires the bylaw be reviewed 10 years after it has been made. The review process set out in the LGA 2002 for Trade Waste bylaws requires at least a two month consultation period and specific consultation with the Minister of Health. The bylaw review needs to start at least a year prior to the required review date. 		City Infrastructure
	Service Connections and Charging Policy for Three Waters			City Infrastructure
Mid-July	Public Places Liquor Control Bylaw 2010 – Hearings*	<ul style="list-style-type: none"> Elected members to hear submitters who wish to speak Hearings report is to provide an overview of submissions made in regards to the review. 		City Environments
11 August 2015	Social Housing			Community
	Public Places Liquor Control Bylaw 2010 – Deliberations and adoption Report*	<ul style="list-style-type: none"> Describes the key issues raised from submissions during public consultation for Council deliberations Presents the proposed bylaw for adoption following consultation, taking into account feedback received during consultation 		City Environments
Unknown	Municipal Endowment Fund Investment			Events & ED/ Business and Investment

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Policy and Bylaw Review Scheduling 2015

S&P Committee		Draft policies or bylaw reports		Information current as at 16/2/15	
Date		Description of report		Review led by	
	Property Sale & Disposal			subcommittee	
	Free holding of Council Domain & Municipal Endowment Leases Policy			Events & ED/ Business and Investment subcommittee	
	Smoke-free Environments Policy	<ul style="list-style-type: none"> Reports back on alternative options for enforcement of the Smoke-free stance and the inclusion of synthetic cannabis. 		Community/City Environments	
	Liquor licensing Policy Licensed Premises Policy LAP** -underway	<ul style="list-style-type: none"> This work has been deferred until key appeal issues have been resolved. 		City Environments	
	Earthquake prone, Dangerous and Insanitary Buildings* **			City Environments	
	Speed Management Policy			City Infrastructure	
	Public Places Bylaw 2009 – Trading Signage and event	<ul style="list-style-type: none"> To begin reviewing subsequent to the Central City Transformation Plan 		City Environments/City Transformation Plan working group	
	Public Places Policy	<ul style="list-style-type: none"> Public Places bylaw requires reviewing, and the policy need to be reviewed alongside. 		City Environments/City Transformation Plan working group	

10 Year Plan (Full Council) -underway/in conjunction with 10 Year Plan	Revenue and Financial Policy* (s103)	Finance
	Development Contributions Policy* (s106)	Performance
	Investment & Liability Policy	Finance
	Rating Policy	Finance
	Growth Funding Policy	Performance
	Asset Management Policy	Performance

-  Bylaw or policy linked to bylaw
-  New policies
- * Legislatively required
- ** Requires SCP

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Policy and Bylaw Review Scheduling 2015

Completed Reviews/Bylaw Milestones		Status
4 June 2014	External Funding Applications Policy	Updated
16 July 2014	Council Representation on External Organisations Policy	Updated
3 Sept 2014	Traffic Bylaw 2012 Amendment – Determination and Statement of Proposal	
	Proposed Safety in Public Places Bylaw – Determination Report	
	Proposed Open Air Burning Bylaw – Determination Report	
	Fencing Policy	Deleted - key content captured in management policy
	Use of Herbicides Policy	Deleted - key content captured in management policy
25 Sept 2014	Proposed Safety in Public Places Bylaw – Statement of Proposal	
15 Oct 2014	Library Censorship Policy	Deleted - key content captured in management policy
	Library Collection Policy (proposed)	Incorporated into censorship management policy
	Proposed Open Air Burning Bylaw – Statement of Proposal	
10 Nov 2014	Proposed Safety in Public Places Bylaw Hearings / Deliberation	
19 Nov 2014	Safety in Public Places Bylaw Adoption Report	
19 Nov 2014	Significance and Engagement Policy	New policy adopted
26 Nov 2014	Safety in Public Places Bylaw Adopted	New bylaw adopted
24 Feb 2015	Proposed Storm Water Bylaw – Statement of Proposal*	
	Dog Control Policy and Dog Control Bylaw 2015 Statement of Proposal*	
	Traffic Bylaw 2012 Amendment – Deliberations and Final Adoption Report plus Amendment to Garden Place Pedestrian Mall, Deliberation and Deceleration Report*	
	Proposed Open Air Burning Bylaw – Deliberations and Adoption Report*	
	Risk Management Policy*	
	Community Assistance Guidelines and Criteria*	

* Pending the outcome of 24 February 2014 Strategy & Policy Committee

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Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Strategy and Policy Committee Public Excluded Minutes 19 November 2014 and Extraordinary Strategy and Policy Committee Public Excluded Minutes 18 February 2014 a) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

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

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