

**Notice of Meeting:**

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

**Date:** Tuesday 7 July 2015  
**Time:** 1.30pm  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Strategy & Policy Committee OPEN AGENDA

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**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

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Brendan Stringer  
**Committee Advisor**

**1 July 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:** 07 July 2015  
**Report Name:** Strategy and Policy Committee      **Author:** Brendan Stringer  
Chairperson's Report

<b>Status</b>	<i>Open</i>
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The Chairperson will give a verbal report.

### **Recommendation**

That the Report be received.

### **1. Attachments**

2. There are no attachments for this report.

**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015

**Report Name:** Strategy and Policy Committee      **Author:** Brendan Stringer  
 Open Minutes 26 May 2015

<b>Status</b>	<i>Open</i>
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## Recommendation

That the Committee confirm and adopt as a true and correct record the Open Minutes of the Strategy and Policy Committee Meeting of 26 May 2015.

### 1. Attachments

2. Attachment 1 - Strategy and Policy Committee Open Minutes - 26 May 2015

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## Strategy & Policy Committee

### OPEN MINUTES

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**Minutes of a meeting of the Strategy & Policy Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 26 May 2015 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 L Tooman Cr P Yeung

In attendance	Chief Executive, General Manager Performance, General Manager Infrastructure, General Manager City Environments, General Manager Community, Sustainable Transport Planner, Community Development & Leisure Manager, Social Development Policy Adviser, Unit Manager Strategy & Research, Unit Manager City Planning, City Planning Policy Team Leader, Programme Manager – Bylaws, Water Asset Manager, Team Leader Planning and Assets, City Transportation Manager, Democracy Team Leader, Democracy Committee Advisor
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Also in attendance	Harry Wilson – Regional Director (Waikato/Bay of Plenty), New Zealand Transport Authority (NZTA); Peggy Koopman-Boyden – Chair of Older Persons Advisory Panel; Margi Moore – Chair of Public Art Panel.
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Committee Advisors:	Mr B Stringer and Mrs J Pani
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**1. Apologies**

**Resolved:** (Crs O'Leary/Tooman)

That the apologies from:

- a) Crs Pascoe and Wilson;
- b) Her Worship the Mayor Hardaker and Cr Gallagher (lateness); and
- c) Crs Green, Mallett and Forsyth (retiring early),

be received and accepted.

**2. Confirmation of Agenda**

The Chair recommended that Item 6 (The Biking Plan) be heard immediately after Item 4 (Public Forum).

**Resolved:** (Crs O'Leary/Forsyth)

The Committee to confirm the Agenda, subject to the noted change.

**3. Public Forum**

Aaron Wong, spokesperson for *Generation Zero*, spoke to Item 6 (The Biking Plan). He considered that the network presented in the Biking Plan was not extensive enough and that developing more sustainable transport options would positively contribute to the development of the city and reduce congestion. In response to questions, Aaron Wong believed all arterial routes should be covered by the Plan though standards could differ depending on location. He noted that priority should be given to cycling to and from schools.

**Cr Gallagher joined the Meeting (1:35pm) during Item 3.**

**4. Declarations of Interest**

No members of the Council declared a Conflict of Interest.

**Item 6 was taken at this time to accommodate external attendees and Elected Members.**

**6. Biking Plan**

The General Manager Infrastructure spoke to the report and suggested that staff report back to the Committee with a final Plan on 11 August 2015 following a period of further engagement.

Supported by Harry Wilson, Regional Director NZTA, the General Manager provided background context to the Plan and noted it would become an important reference point for the Transport team in years to come. Mr Wilson signalled that the Plan provided a unique opportunity to make Hamilton a place where people would want to cycle. He noted that approximately 70% of the main arterial routes were complete and the onus was now to join up the cycling network.

**Her Worship the Mayor Hardaker joined the Meeting (1:45pm) during discussion on Item 6 and took part in voting on that Item.**

The General Manager and Mr Wilson, supported by the Sustainable Transport Planner, responded to the following questions:

- **10 Year Plan**  
Funding for cycling, outside of separate projects, would come from the discretionary transport fund, which is about \$900,000 per year. Staff were asked to prepare and report to the Committee a recommended 10-year spending plan for cycling.
- **Roading Improvements**  
Cycling was already considered as part of current road changes. The Biking Plan would provide more alignment to technical solutions.
- **Number of cyclists**  
Investment in the Biking Plan itself was unlikely to change the number of people using cycling as a mode of transfer. The popularity of the regional cycle trails was highlighted.
- **Cycling National Guidelines and Specifications**  
These were expected to be released by mid-2016.
- **Cycling and Schools**  
Mr Wilson explained central government supported urban cycling network development. In addition to the primary and secondary networks contemplated by the Biking Plan, work had already taken place on the entry and exit to schools and installing reduced speed zones near schools.
- **Safety Record**  
It was confirmed that Hamilton had a higher level of biking fatalities and injuries than comparable cities in New Zealand.

**Resolved:** (Crs Forsyth/Macpherson)

That:

- a) the Report be received;
- b) the draft Biking Plan is approved for a period of public engagement; and
- c) following public engagement, the Biking Plan is reported to the 11 August 2015 Strategy and Policy Committee for adoption.

**Council Mallett dissenting**

## 5. Strategy and Policy Committee Open Minutes 8 April 2015

**Resolved:** (Crs O'Leary/King)

That the Committee confirm and adopt as a true and correct record the Open Minutes of the Strategy and Policy Committee Meeting of 8 April 2015.

**Crs Forsyth (2:33pm) and Green (2:35pm) retired from the Meeting at the conclusion of Item 5.**

## 7. Older Persons Plan

Peggy Koopman-Boyden, as Chair of the Older Persons Advisory Panel, spoke to the Plan and its purpose to make Hamilton the most desirable place to live for older people. Mrs Koopman-Boyden thanked Councillor Yeung for his participation on the Older Persons Panel and contribution to the Plan.

Mrs Koopman-Boyden, supported by the Community Development & Leisure Manager and Social Development Policy Adviser, responded to the following questions:

- **Characteristics of Older Persons**  
Older people were different from other population groups; for example, in terms of physical energy. The Plan aimed to augment older persons' sense of wellbeing as much as possible.
- **Accommodation**  
The Older Persons Advisory Panel decided not to address accommodation in the Plan as it was thought this was best considered at a national level. As a living document, the Plan may capture the issue of accommodation in the future. Mrs Koopman-Boyden confirmed no members of the Panel lived in social housing, though she had interviewed people who were so accommodated.  
  
It was also noted that central government's Social Housing Plan, once released, would provide an opportunity to consider the issue.
- **Plan Management**  
Staff would monitor and manage the Plan through a working group with quarterly reports to be presented to the Advisory Panel. It was envisaged that there would also be updates reported back to the Strategy and Policy Committee.
- **Working across organisations**  
Mrs Koopman-Boyden noted that both she and the Advisory Panel were well connected with other organisations that focussed on older persons, such as the District Health Board, in order to advance the needs of older persons.
- **Safety**  
It was suggested that it would be useful for the Plan to address the safe use of mobility scooters.

**Resolved:** (Crs Yeung/Chesterman)

### **Recommendation to Council**

That:

- a) the Report be received;
- b) Council approve the Hamilton Older Persons Plan; and
- c) progress on the Plan be reported six-monthly through the Community Forum Subcommittee.

**Cr Macpherson dissenting**

**The Meeting adjourned from 3:00pm to 3:15pm. Her Worship the Mayor Hardaker returned to the Meeting (3:17pm) during the introduction of Item 8.**

## 8. Public Art Plan and Development Guide - Adoption

Margi Moore, as Chair of the Public Art Panel, supported by the Unit Manager Strategy & Research, introduced the Plan and Development Guide, noting these documents were more concise and easier for the public to understand than the current Policy. They responded to the following questions in relation to the Plan and Development Guide:

- **Wintec Wall**  
There were no plans to utilise the wall as a public art space again.
- **Collation and promotion of public art**  
It was noted Cr Chesterman had supported the promotion of Hamilton's Public Art Catalogue in 2014. That document was widely circulated. A public art trail or mobile app were possible options in the future.
- **Development of new public art**  
The Plan advocated a balanced approach to future development, with specific priorities highlighted.
- **Public Art Subcommittee Terms of Reference**  
Terms of Reference used by other territorial authorities had been reviewed and it was considered that the Terms to be drafted would make the development process less cumbersome while also ensuring sufficient rigour was in place.

**Resolved:** (Crs Chesterman/Yeung)

### Recommendation to Council

That:

- a) the Report be received;
- b) Council adopt the revised Draft Public Art Plan and Development Guide;
- c) a Terms of Reference for a Public Art Subcommittee be reported back to the 7 July Strategy and Policy Committee; and
- d) the Art in Public Places Policy be deleted.

## 9. Draft Heritage Plan and Historic Heritage Fund Guidelines

Cr Chesterman, as Chair of the Heritage Advisory Panel, introduced the draft Plan and Guidelines and stated that the documents signalled an important step forward that would contribute to shaping Hamilton City. He thanked members of the Advisory Panel for the expertise they provided.

Cr Chesterman and the Unit Manager City Planning, supported by the City Planning Policy Team Leader, responded to the following questions:

- **Earthquake Strengthening**  
Council's 2006 Policy (*Earthquake-Prone, Dangerous And Insanitary Buildings Policy*) remained in place notwithstanding changes recently proposed by the Government in relation to earthquake strengthening of buildings. The proposals envisaged an extended timeframe to complete works to buildings located in Hamilton. Staff would track the progress of the Government's plans.

- **Consultation**  
There would be targeted consultation to the key stakeholders detailed in paragraph 22 of the staff report. In addition, informal feedback would be captured from the wider public after the Plan and Guidelines are released. It was intended that the feedback would be included in the staff report to be presented at the Committee meeting on 3 November 2015. Staff were asked to ensure feedback on the Plan and Guidelines was sought from faith and community groups.
- **Preservation of heritage buildings**  
Cr Chesterman agreed that it was important to balance the need to preserve such properties and the options available for their future use against the owner's property rights. He was supportive of the public notification for Resource Management Act hearings in relation to public buildings.
- **Heritage Advisory Panel membership**  
It was submitted that the external representatives on the Panel, including the mandated representatives of the Property Council, brought commercial acumen to Panel meetings.
- **Plan details**
  - i. The proposed heritage overlay (noted in paragraph (2) on page 9 of the draft Plan attached to the staff report) was a planning control option that could be used to protect the characteristics of a building or several properties.
  - ii. The Plan contemplated Council being able to purchase heritage buildings under threat, subject to obtaining the required resolutions and approvals.
  - iii. The development of a process for the identification and assessment of all Hamilton's heritage (paragraph 1 on page 8 of the draft Plan) was intended to apply to the city as a whole.
  - iv. Trees were included within the plan as a tree may be listed on the basis of its natural heritage. The trees captured by the draft Plan were already listed. If another tree was to be listed, that would need to proceed through the appropriate statutory process.
  - v. The Plan's suggested resource consent fee waivers were intended as another discretionary tool available to Council. Funding guidelines did not deal with ratings of properties.

**Resolved:** (Crs Chesterman/Gallagher)

That:

- a) the Report be received;
- b) the Committee authorises the draft Heritage Plan and draft Historic Heritage Fund Guidelines be released to enable consultation with key stakeholders and the public as outlined in paragraphs 22 and 23 of the staff report; and
- c) staff report back to the 3 November 2015 Strategy and Policy Committee with a final draft Heritage Plan and Heritage Fund Guidelines for consideration.

**Crs King and Mallett dissenting.**

**Cr Mallet retired from the Meeting (4:17pm) at the conclusion of Item 9.**

## 10. Stormwater Bylaw 2015 Deliberation and Adoption Report

The Committee considered Part One (Deliberations) of the staff report.

**Her Worship the Mayor Hardaker left the Meeting (4:20pm) during discussion on Item 10.**

The Programme Manager – Bylaws then spoke to Part Two (Decision) of the staff report and provided an overview of the changes recommended by staff to the proposed bylaw. The Programme Manager, supported by the Water Asset Manager, confirmed that Council had not previously prosecuted anyone in relation to matters proposed in the bylaw. It was suggested that the bylaw would have assisted in responding to spills that had occurred. The Waikato Regional Council did not have a stormwater bylaw and was supportive of Council's proposed bylaw. Staff also indicated that there were gaps in the Resource Management Act process that the bylaw was intended to fill.

The General Manager advised the Committee that Council had previously determined a bylaw was required and that the purpose of the Report was for the Committee to consider and query the submissions made and the recommended changes to the bylaw.

### During discussion on Item 10:

- Cr Macpherson left the Meeting (4:24pm);
- The Meeting adjourned at 4:24pm while the Committee did not have a quorum present;
- Her Worship the Mayor Hardaker returned to the Meeting (4:27pm);
- Cr Macpherson returned to the Meeting (4:27pm);
- The Meeting reconvened at 4:27pm.

**Resolved:** (Crs O'Leary/Chesterman)

### Recommendation to Council

That:

- a) the Report be received;
- b) Council determine that the Hamilton Stormwater Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights 1990;
- c) Council accepts the recommended changes to the Hamilton Stormwater Bylaw 2015 as shown in Attachment 1 of the staff report and that the Stormwater Bylaw 2015 be adopted;
- d) Council adopt the associated Stormwater High Risk Facilities Register; and
- e) the Hamilton Stormwater Bylaw 2015 comes into force on 28 September 2015.

**Crs King and Macpherson dissenting**

## 11. Dog Control Policy and Bylaw 2015 Adoption Report

The Committee considered Part One (Deliberations) of the staff report.

The Programme Manager – Bylaws, supported by the City Safe Unit Manager, spoke to the Report and advised that the submissions received were generally supportive of the proposed policy and bylaw.

Cr Tooman, Chair of the Dog Control Policy and Bylaw 2015 Hearings Subcommittee, spoke to his report (Attachment 6 of the staff report). He noted that of the six submitters that indicated a wish to speak to their submission, two appeared at the Subcommittee.

The City Safe Unit Manager, Programme Manager and the Team Leader Planning and Assets responded to the following questions:

- **Hamilton Lake Domain**

The new off-lead area designated for the Hamilton Lake Domain in the Dog Control Off-Lead Exercise and Prohibited Areas Register would be included in the Reserve Management Plan Review to be undertaken later in 2015. Council could fine tune the Register, if required, as a result of the conclusions reached by that review.

- **Monitoring**

Off-lead areas were monitored and reported incidents were recorded.

The Chair introduced Part Two (Decision) of the Report. The Programme Manager highlighted the recommended changes to the Policy and Bylaw as detailed in the Report.

**Resolved:** (Crs O'Leary/Tooman)

**Recommendation to Council**

That:

- a) the Report be received;
- b) the draft Hamilton Dog Control Policy and Register be amended with the following changes:
  - (i) Remove Hammond Park from the Dog Control Off-Lead Exercise and Prohibited Areas Register; and
  - (ii) Update the Policy with the tracked changed wording so it is easier to read.
- c) the Hamilton Dog Control Policy and Bylaw 2015 be adopted and come into force 1 July 2015;
- d) the amended Dog Control Off-Lead Exercise and Prohibited Areas Register be adopted; and
- e) the Hamilton City Dog Control Bylaw 2009 be revoked on 1 July 2015.

## 12. District Plan - Management of Bulk Storage of Materials

The Chair clarified that this item had been brought to the Committee for consideration by a resolution of the Finance Committee and that a substantive report on the recent tyre storage issue in Frankton was in the Council Agenda for its meeting on 28 May 2015.

The General Manager City Environments and City Planning Unit Manager spoke to the Report and responded to the following questions:

- **Monitoring of tyre storage**

It was noted that there was various legislation that applied. The threshold of tyres stored before they become a hazard depended on the context and location. Staff operated under a responsive monitoring process should an incident be reported. It was suggested that should Council request a more detailed monitoring plan to apply to tyre storage an amendment to the District Plan would likely be required.

- **Tyre storage removal incidents**

Staff referred to two incidents that had occurred in the past ten years. The rules in the District Plan in this regard had substantially remained unchanged for the last 20 years.

- **Management of tyre storage**

The following points were clarified by the General Manager and Unit Manager in response to questions:

- i. Tyres were not expressly classified as hazardous substances under the Hazardous Substance and New Organisms Act 1996 (HSNO). Staff were not aware of any proposed review of that position, nor had there been any contact from local Members of Parliament as to their role on the issue.
- ii. Hastings District, Whangarei District and South Waikato District Councils had each endeavoured to treat storage of tyres separately from other materials. Hastings District Council set specific standards, including volume of stored tyres, which required a consent to be obtained once a threshold was reached. A similar approach was adopted at Whangarei District and South Waikato District Councils. It was suggested it would be beneficial for Council to investigate how other authorities were managing tyre storage.
- iii. Bulk storage of tyres was regarded as a light industrial activity as tyres were an inert object with no toxicity under normal conditions. The two principal concerns with such storage were the potential fire risk and impact on the local amenity. If tyres were stored inside a building, it was necessary to comply with certain fire management provisions under the Building Act. Staff were not aware of the New Zealand Fire Service advocating legislative changes to deal with the fire risk of tyres stored outside.
- iv. No products, including tyres, had been specified as priority products under the Waste Minimisation Act 2008.
- v. There were at least 18 building consents in Hamilton to cover tyre-related activities, including a re-treading plant.

It was agreed that detailed questions provided by Elected Members in relation to tyre storage would be dealt with at the 28 May Council meeting.

As part of the Committee recommendations to be reported to Council, the Democracy Manager confirmed that the Committee could resolve to refer questions or matters that arose from the Report to the next Council meeting.

In response to further questions, the Chief Executive advised that there would not be any additional costs incurred by Council in relation to the removal of tyres stored in Frankton and Council had met its contractual obligations in that regard.

**Resolved:** (Crs O'Leary/Macpherson)

That the Report be received.

### 13. Consideration and Retrospective Approval of Three HCC Submissions to External Organisations

**Resolved:** (Crs Tooman/Yeung)

That:

- a) the Report be received;
- b) the three HCC submissions outlined in Section 2 be considered and retrospectively approved;
- c) the relevant organisations be advised of any changes made to the three HCC submissions at the 26 May 2015 Strategy and Policy Committee meeting;
- d) subsequent to the Strategy and Policy Committee's approval, the three finalised submissions be uploaded to HCC's website; and
- e) local Members of Parliament be advised of the three HCC submissions adopted at the 26 May 2015 Strategy and Policy Committee meeting.

**Cr Chesterman left the Meeting (5:23pm) during Item 13 and did not take part in voting for that Item or Item 14.**

### 14. Regional Operations Roundup Report

Cr Tooman, as a Council representative on the Waikato Regional Transport Committee, noted that New Zealand Transport Authority's Street Management Plan was due to be completed in July. The General Manager Infrastructure confirmed a Council Briefing was planned for July to discuss the emerging national guidance from NZTA.

**Resolved:** (Crs Tooman/Macpherson)

That the Report be received.

### Deferral of Agenda Items

**Resolved:** (Crs O'Leary/Macpherson)

That Items 15 (Strategic Round Up Report) and 16 (Action List) be deferred to the next Committee Meeting.

**The Meeting Closed at 5:40pm.**

**Committee:** Strategy & Policy Committee

**Date:** 07 July 2015

**Report Name:** Policy Review Programme - Update

**Author:** Tegan McIntyre

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Policies support the Hamilton Plan</i>
<b>Financial status</b>	<i>There is not budget allocated</i>
<b>Assessment of significance</b>	<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 update on the progress achieved in working through the policy review programme since April 2014. It also proposes that as part of this review, the Playgrounds, Cellular Network Sites, Asset Management and Graffiti Management Policies be considered for deletion.

## 3. Executive Summary

- Staff have conducted a mid-term review of Councils Policy Manual with the Mayor, Chair and Deputy Chair of the Strategy and Policy Committee.
- The following table outlines at a high level progress made to date:

<b>Number of policies October 2010</b>	<b>136</b>
<b>Number of policies April 2014</b>	<b>84</b>
- <i>Policies deleted since April 2014</i>	<i>32</i>
<b>Current number of policies (June 2015)</b>	<b>52</b>

- A total of fifteen (15) policies have had reviews completed since April 2014 (Attachment 1). The development of the Local Alcohol Policy has progressed but is not yet completed.
- A list of the thirty two (32) deleted policies is compiled in Attachment 2.
- A schedule of the remaining policies identified for review is outlined in Attachment 3.
- A list of policies requiring no change is compiled in Attachment 4.
- As a result of this discussion, a number of policies were identified for deletion (including deletion and transition to a management policy or standard operating procedure) or for further review.
- Staff developed a review programme to respond accordingly.

## 12. Recommendations from Management – *Recommendation to Council*

- a) That the Report be received;
- b) That the Playgrounds, Cellular Network Sites, Graffiti Management and Asset Management Policies be deleted;
- c) That the key content of the Asset Management Policy (in particular around roles) and Graffiti Management Policy be captured in Management Policies; and
- d) That the 'Playgrounds of the Future' document be updated to capture key policy direction and adopted as Council's Playgrounds Plan.

## 13. Attachments

14. Attachment 1 - Policy reviews completed since April 2014
15. Attachment 2 - Policies deleted since 30 April 2014
16. Attachment 3 - Policy review schedule
17. Attachment 4 - Policies requiring no change

## 18. Key Issues

19. Playgrounds Policy
20. The policy was developed by a Councillor working group in April 2014 after a 8 month process involving research and key stakeholder participation and community consultation.
21. The policy outlines Councils development priorities, development criteria and playground retirement criteria.
22. The development priorities are as follows:
  - Development of destination playgrounds based on demographic needs;
  - Maintain and upgrade a selection of existing neighbourhood playgrounds;
  - No development of new neighbourhood playgrounds, unless developed with funding partnership with community organisations.
23. Neighbourhood playgrounds not selected for maintenance and upgrade will be assessed annually and those at the end of their asset life will be retired.
24. The rationale for this and the detail of this approach are documented in a booklet entitled 'Playgrounds of the Future'.
25. This approach forms the basis of a playgrounds programme and is embedded into the operational and maintenance budgets.
26. It is recommended that given the comprehensive nature of the 'Playgrounds of the Future' document, that this should be updated (minor changes only e.g. removing reference to policy) and adopted as Councils Playgrounds Plan and that the policy be deleted.
27. Cellular Network Sites
28. The Cellular Network Sites Policy was developed in 1997 to respond to requests from telecommunication companies to locate cellular network transmitters or similar facilities on Council property. The purpose of this policy was largely to provide elected members with the ability to influence the position of telecommunication facilities within the road network.

29. Changes to the Telecommunications Act have removed the ability of Councils to charge telecommunication companies rental for facilities located within the road network. In the case of telecommunication facilities located on Council-owned land or buildings normal leasing arrangements apply.
30. The location specifications such as size, bulk, height, setbacks and zones are now covered in either the District Plan (Section 25.7 Network Utilities) or the National Environmental Standard on Telecommunications Facilities. Radio frequency and electromagnetic fields are controlled through the Radiation Protection Act 1965 and the Radiation Protection Regulations 1982 and relevant NZ guidelines. This legislation controls the use of ionising radiation.
31. As a result it is recommended that the Cellular Network Sites Policy be deleted.
32. Graffiti Management
33. The Graffiti Management Policy was developed in 2005 in response to the increasing incidence of vandalism and as a policy response to reduce the instances of tagging.
34. The policy has a mostly operational focus and some of that information is now out-dated.
35. It is recommended that this policy be deleted and key content be captured in a management policy as the Tagbusters initiative has been well established as business as usual and its performance is monitored using a robust reporting tool. Additionally, the service levels are reflected in the LTP budgets and related activity statements.
36. Asset Management
37. The purpose of the Asset Management Policy is to clarify how Hamilton City Council will manage the assets of the city on behalf of its community. The Policy sets out the broad roles and responsibilities in relation to asset management practice and contains an approval process for Asset Management Plans.
38. Since this policy was adopted, amendments to the Local Government Act have been made that require Council to prepare a 30-Year Infrastructure Strategy as part of the 10-Year Plan (section 101B of the LGA).
39. The purpose and role of the Infrastructure Strategy is currently not reflected in the policy and an update is required to reflect that Council is required by legislation to develop and approve an Infrastructure Strategy as part of each 10-Year Plan.
40. As a result it is recommended that the Asset Management Policy be deleted and key content be captured in a management level policy.
- 41. Financial and Resourcing Implications**
42. The policy review programme will be delivered using existing resource. There are no resourcing implications as a result of this report.
- 43. Risk**
44. There is no risk identified as a result of this report.

### Signatory

Authoriser	Blair Bowcott, General Manager Performance Group
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## Policy Reviews Completed Since April 2014

POLICY REVIEWS COMPLETED	STATUS
External Funding Applications Policy	Policy updated
Council Representation on External Organisations Policy	Policy updated. Renamed 'Policy for the Appointment and Remuneration of Board Members of COs, CCOs and CCTOs'
Fencing Policy	Deleted (key content captured in management policy)
Use of Herbicides Policy	Deleted (key content captured in management policy)
Library Censorship Policy	Deleted (key content captured in management policy)
Significance Policy	Policy updated - Renamed 'Significance and Engagement policy'.
Dog Control Policy	Policy updated
Risk Management Policy	Policy updated
Community Assistance Policy	Policy updated
Art in Public Places Policy	Deleted (key content captured in Public Art Plan and Guidelines).
Revenue and Financial Policy*	Policy updated
Development Contributions Policy*	Policy updated
Investment & Liability Policy*	Policy updated
Rating Policy* (includes Rates Remission and Postponement )	Policy updated
Funding Needs Analysis*	Policy updated

\*Reviewed as part of the 2015-25 10-Year Plan

## Policies Deleted Since 30 April 2014

POLICIES - DELETED	NOTES
Arts in Public Places Policy	Key contents captured in Public Art Plan and Guidelines
Backflow Protection Policy	
Billboards and Banners	Transitioning to a Management Policy
Building Line Restrictions	
Building Warrant of Fitness	Transitioning to a Management Policy
Cable TV and Other Network Services	
Consultation, Hamilton City (People and Participation)	Superseded by Significance and Engagement Policy.
Debtor Management Policy	
Economic Development Fund	
Event Venue Booking Policy	
Fees and Charges Affecting Community Halls	
Fencing Policy	Transitioned to a Management Policy
Fraud and Corruption Policy	Transitioned to a Management Policy
Library Censorship Policy	Transitioning to a Management Policy
Lighting on Parks Policy	Transitioned to a SOP or Reserve Management Plan (site specific)
Livestock Movement and Stock Underpass	Transitioning to a Management Policy
Loan Guarantees to Sports and Recreational Bodies	
Naming Rights Policy	All requests for naming rights come to GM Events and Economic Dev
Open Watercourse Management Policy	Asset Management Plan captured key levels of service elements
Partner Pools Policy	Principles incorporated into individual partner pool contracts.
Pool Lane Allocation Policy	Transitioning to an SOP
Private Projects Initiated by Elected Members	
Pyrotechnic Displays on Council Administered Reserves Policy	Transitioning to a SOP
Road Resurfacing Policy	Asset Management Plan captured key levels of service elements
Seddon Park Conditions of Entry	
Service Delivery	Principles to be outlined in any council report initiating a service delivery review.
Surveillance Cameras	Transitioned to a Management Policy
Use of Herbicides Policy	Transitioned to a Management Policy

<b>Waikato Museum Collections Policy</b>	Transitioning to a Management Policy noting that any disposal from the collection would require Council approval.
<b>Waikato Stadium Conditions of Entry</b>	
<b>Waikato Stadium Smokefree Policy</b>	
<b>Waiver of Fees and Charges for Council Community Facilities</b>	

## Policy Review Schedule

POLICIES SCHEDULED FOR REVIEW	DATE FOR REVIEW
Playgrounds Policy	7 July 2015
Cellular Networks Sites	7 July 2015
Graffiti Management Policy	7 July 2015
Asset Management Policy	7 July 2015
Class 4 Gambling Venue Policy	7 July 2015
Gambling – Board (T.A.B) Venue Policy	7 July 2015
Citizens Initiated Referenda	11 August 2015
Liquor Licensing Policy (LAP)	11 August 2015 To be deleted when LAP is adopted
Licensed Premises Policy (LAP)	11 August 2015 To be deleted when LAP is adopted
Councillor’s attendance at Conferences, Seminars and Training	11 August 2015
Elected Member’s Expenses and Allowances	11 August 2015
Elected Member’s Remuneration	11 August 2015
Elected Member’s IT	11 August 2015
Corporate Hospitality and Entertainment Policy	11 August 2015
Elections – Communication with the Public	11 August 2015
Election signs	11 August 2015
Municipal Endowment Fund Investment	Deferred until development of Central City Transformation Plan (B&I committee)
Property Sale & Disposal	Deferred until development of Central City Transformation Plan (B&I committee)
Free holding of Council Domain & Municipal Endowment Leases Policy	Deferred until development of Central City Transformation Plan (B&I committee)
Earthquake prone, Dangerous and Insanitary Buildings	On hold until Building (Earthquake-prone) Bill 2013 becomes law
Speed Management Policy	On hold until National Speed Management Plan is available
Business Improvement District Policy (BID)	Deferred until development of Central City Transformation Plan (B&I committee)
Street & Directional Signage	B&I committee
Gateways Policy	B&I committee
Streetscape Beautification & Management	B&I committee
Public Places Policy	Deferred until development of Central City Transformation Plan (B&I committee)
Growth Funding Policy	To be reviewed as part of DC Policy working group.

<b>DC Policy</b>	To be reviewed as part of DC Policy working group.
<b>Event Sponsorship Policy</b>	3 November 2015
<b>Road, reserve and Park Naming Policy</b>	3 November 2015
<b>Housing for the older person</b>	3 November 2015

## Policies Requiring No Change

NO CHANGES REQUIRED
Disability Policy
Community Occupancy Policy
Psychoactive Substances Policy (Approved Products)
International Relations
City Honours Policy
Code of Conduct
Standing Orders
Delegations to Positions Policy
Service Connections and Charging Policy for Three Waters
Smoke free Environments Policy

**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015

**Report Name:** Hamilton Cemeteries Management Plan 2015 Adoption Report      **Author:** Renee McMillan

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>This Management Plan has links to the Open Space Plan and the Hamilton Heritage Policy</i>
<b>Financial status</b>	<i>There is no budget allocated.</i>
<b>Assessment of significance</b>	<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 proposed Hamilton Cemeteries Management Plan 2015 (Plan) to Council for consideration and adoption.

## 3. Executive Summary

- The purpose of a management plan is to set a strategic path for the future of our cemeteries, to guide their operation, development, protection and public use.
- A draft management plan was developed for Hamilton's three Cemeteries; Hamilton East, Hamilton West and Hamilton Park.
- A two-month consultation period was undertaken and a Hearings Panel appointed to hear and deliberate on submissions.
- Several changes are suggested to the draft plan. These are outlined in section 15 of this report and do not have a significant impact on the intent or direction of the Plan.

## 8. Recommendations from Management – Recommendation to Council

- That the Report be received.
- That the proposed Hamilton Cemeteries Management Plan 2015 be adopted as operative.

## 9. Attachments

- Attachment 1 - Hamilton Cemeteries Management Plan 2015

## 11. Key Issues

### 12. Background

13. A management plan for Hamilton Cemeteries was first developed in 1999.
14. At its 16 July 2014 meeting, the [Strategy and Policy Committee](#) agreed to prepare a new management plan for Hamilton's three Cemeteries; Hamilton East, Hamilton West and Hamilton Park.
15. A draft Plan was prepared in conjunction with the Heritage Advisory Panel who provided advice on heritage aspects, and following the process set out in section 41(5) of the Reserves Act 1977 (Act).
16. Consultation
17. The draft Plan was approved for public consultation at the 19 November 2014 [Strategy and Policy Committee](#) meeting and a Hearings Panel appointed to hear and deliberate on submissions.
18. The draft Plan was available for public consultation for a two-month period.
19. A total of fourteen (14) submissions were received and six (6) submitters were heard in support of their submissions at the [hearings](#) on 31 March 2015. The Hearings Panel comprised Councillor Tooman (Chair), Deputy Mayor Chesterman, Councillor Yeung and Maree Pene as the Waikato-Tainui appointed advisor.
20. Generally, the submissions were in support of the direction of the draft Plan or addressed operational issues.
21. The following table shows the key themes discussed in submissions and the number of submitters that addressed each of these themes.

Themes	No. of submissions
1. Generally protecting and sustaining Hamilton cemeteries for the future	9 submitters (64%)
2. Need for further development of services and facilities	10 submitters (72%)
3. Need for greater accessibility	4 submitters (29%)
4. Financial sustainability and user considerations	10 submitters (72%)
5. Land use and expansion	3 submitters (21%)
6. Stewardship management model	1 submitter (7%)

22. There was a proposal in the draft Plan for Council to construct a building at Hamilton Park Cemetery to house a lounge and an administration/reception area (Proposed Development).
23. Council received a submission to the draft Plan that argues the Proposed Development as unlawful. The Hearings Panel requested a legal opinion.
24. Legal opinion concluded the construction of the Proposed Development is not authorised by the Burial and Cremation Act 1964 (BCA). So, Council cannot complete the Proposed Development under the current law. It was recommended that the Proposed Development be

parked until such time as the BCA law reform is complete and the draft Plan be amended before it is adopted.

25. The Hearings Panel also requested staff ensure the appropriate delegations are in place to enable the Cemeteries and Crematorium Manager to approve applications from cultural and denominational groups for designated areas or memorialisation. This delegation currently sits with the CE but can be delegated to Cemeteries and Crematorium Manager.
26. Based on the deliberations of the Hearings Panel and subsequent legal advice, the draft Plan was amended as follows:
  - a. Minor changes to provide clarity on matters raised by submitters.
  - b. Removing the proposed new reception, lounge and improved administration developments.
  - c. Removing reference to review of the BCA. The review process will take time and decisions by Council must be made on the basis of the existing law.
27. The proposed Hamilton Cemeteries Management Plan 2015 is now presented for adoption as operative. Please refer to Attachment 1.
28. Treaty implications
29. Consultation with Waikato-Tainui has been undertaken as per the Joint Management Agreement (JMA) with regard to Management Plan development and review.
30. As part of this process, Maree Pene was appointed to the hearings panel as the Waikato-Tainui recommended advisor; in consultation with the hearings panel.

**31. Financial and Resourcing Implications**

32. Costs associated with the preparation of the Plan and consultation, have been covered within existing budgets.
33. Implementation of the Plan will be dependent on funding and feasibility.

**34. Risk**

35. The Plan may raise community expectations around implementation of the concept plan for Hamilton Park and the key actions.
36. This Plan will provide some certainty to the existing lessee, Riding for Disabled, that Hamilton Park Cemetery will eventually expand into their leased area.

**Signatory**

Authoriser	Lance Vervoort, General Manager Community
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# Hamilton Cemeteries Management Plan

2015



Hamilton City Council

Te kaunihera o Kirikiriroa

# PART 1: INTRODUCTION

## Three distinct cemeteries: a lot to take care of

Hamilton City Council provides, manages and maintains three cemeteries: Hamilton Park Cemetery at Newstead, and the heritage cemeteries in Hamilton East (near Hamilton Gardens) and Hamilton West (near Waikato Stadium).

**Hamilton Park Cemetery** opened in 1957 with the crematorium and chapel facilities operating since 1963. Each year we carry out more than 1400 cremations and 230 casket burials, about 460 services, and several hundred ash burials. From our office based at this site we provide frontline customer services and maintenance of cemetery records, including the online cemetery database. The cemetery's footprint is currently 18 hectares, with a further 14 hectares available for future development.

**Hamilton East Cemetery** was established in 1865 and is the resting place of more than 14,000 people. The cemetery has been closed since 1992 with a limit to reserved plot burials only. As the oldest and longest-operating cemetery in Hamilton, Hamilton East Cemetery has considerable historic significance as a record of notable Hamilton residents and the development of the settlement over nearly 150 years.

**Hamilton West Cemetery** opened in late 1870 and was closed in 1975. It's the resting place of 1,612 people, many of them members of the Fourth Waikato Militia and their families. Hamilton West Cemetery has considerable historic significance associated with the establishment of Hamilton.

The location of each of the cemeteries is shown in Appendix 1 and their full legal description is detailed in Appendix 2.



## The Cemeteries Management Plan: why do we need a new one?

The Reserves Act 1977 requires reserves to be managed and developed in alignment with their classified purpose. Our cemeteries are classified “Local Purpose Cemetery”.

The existing management plan for Hamilton’s cemeteries was developed in 1999 and needed a comprehensive review to move with the times. This Management Plan is a response to community and stakeholder views and comments, changing

demographics, current and long-term challenges, and the legislative and planning framework applicable to cemeteries and historic heritage resources. It shows our community and stakeholders how we will sustainably develop Hamilton Park Cemetery to meet the current and future burial and cremation needs of the city and region, at the same time as managing and actively protecting our two heritage cemeteries. The new plan will also guide staff from an operational perspective, identifying key actions which need to be taken to achieve the vision for Hamilton Cemeteries.

Implementation of the new plan will be subject to resources.

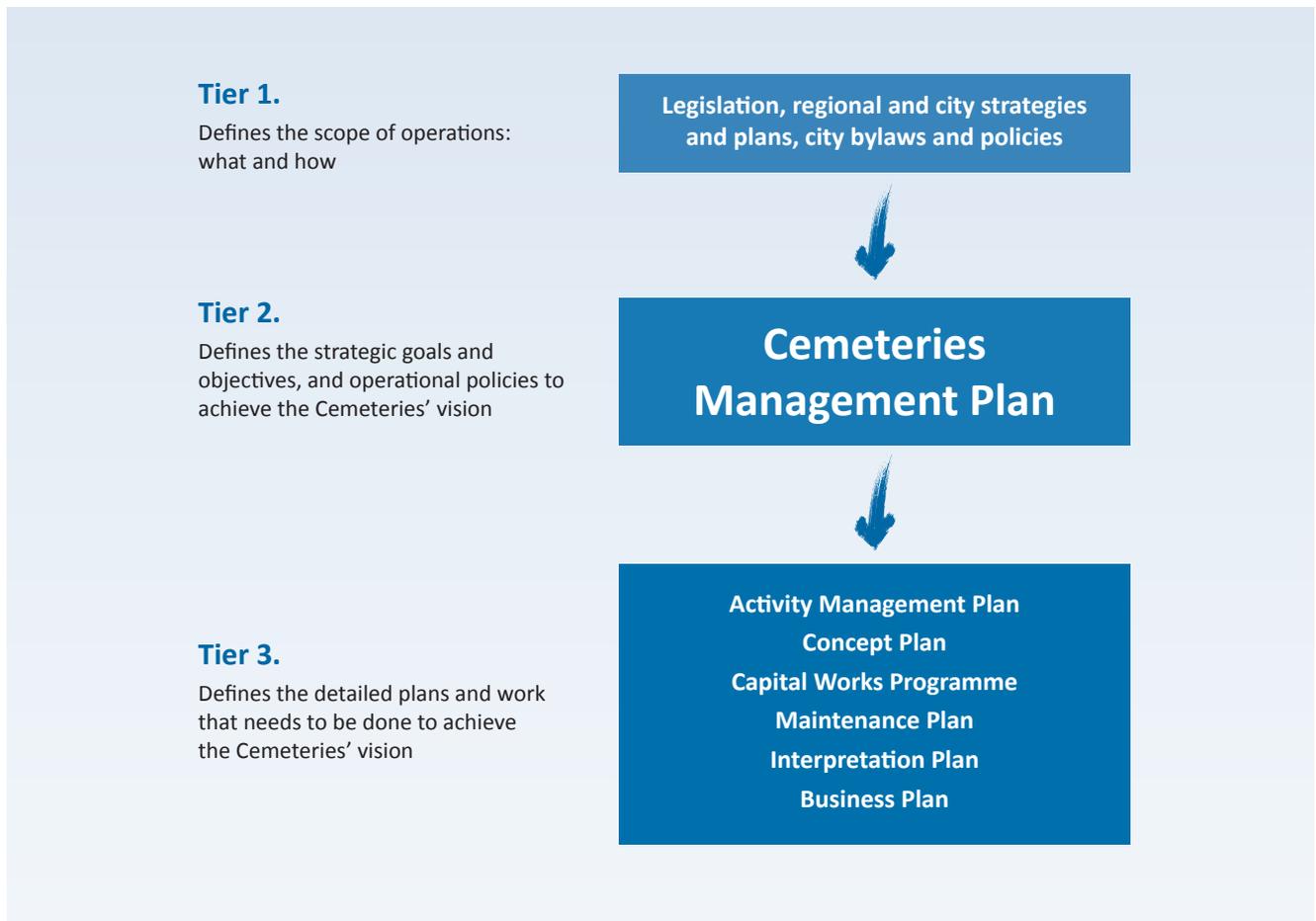
## The Cemeteries Management Plan: how does it fit into the planning framework?

The Management Plan does more than establish desired use and values for our cemeteries. It also sets a strategic path for the next 10 years, to guide their operation, development,

protection and public use, through defined strategic goals and objectives, and operational policies and key actions.

Figure 1 shows the Management Plan sits at Tier 2 within the overall planning framework: linking legislation, regional and city strategies and plans, and Council bylaws and policies (Tier 1) to the more detailed operational plans specific to Hamilton Cemeteries (Tier 3).

Figure 1. Conceptual Planning Context

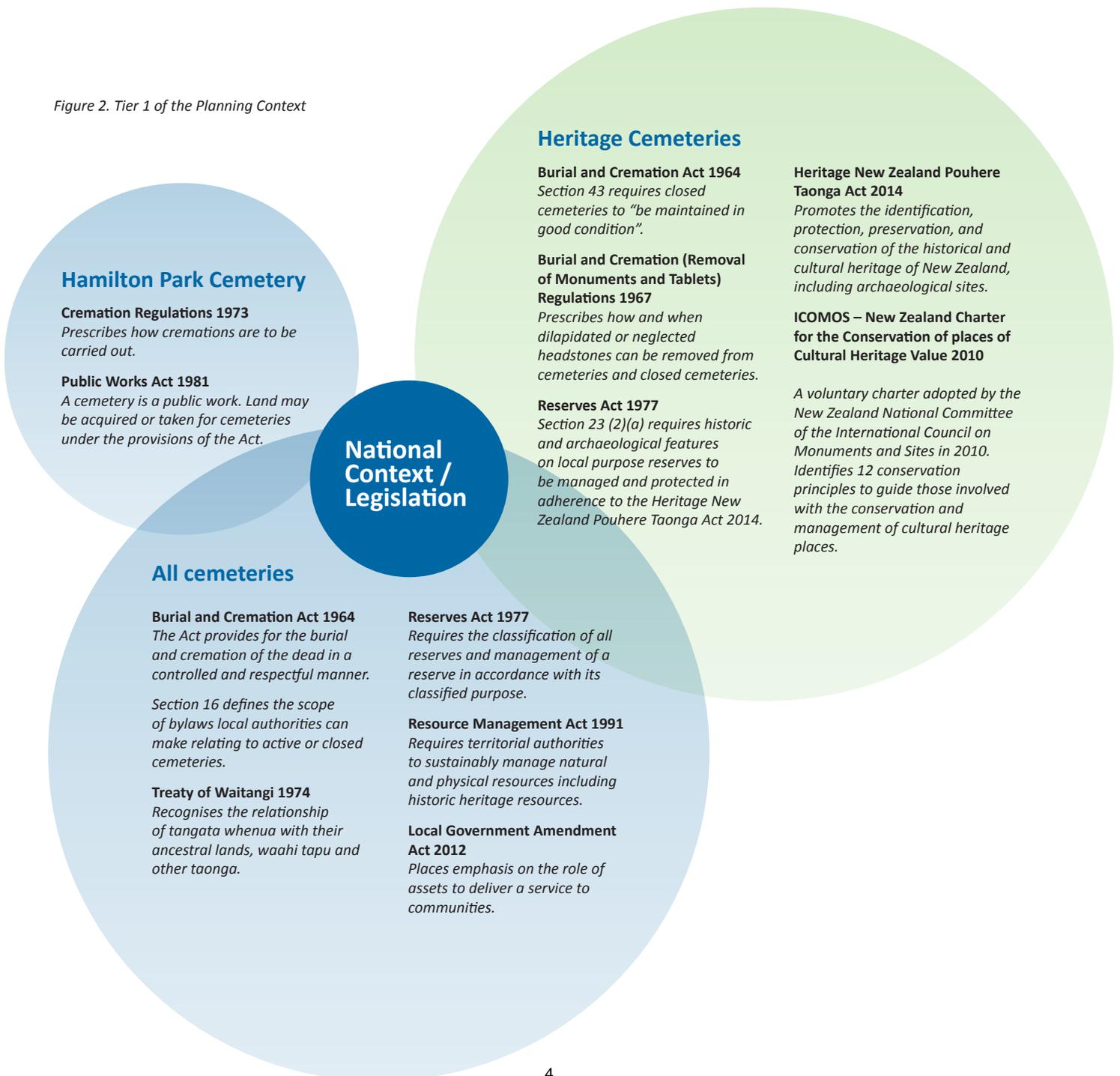


## PART 2: PLANNING CONTEXT

Legislation, regional and city strategies and plans, city bylaws and policies sit at the top tier of the planning framework. They define what activities are permitted or not permitted at our cemeteries and crematorium, and how those permitted activities should or must be carried out.

Figure 2 summarises how each element of the first tier of the planning framework impacts on the management of and future planning for our cemeteries. Some elements impact on the heritage cemeteries or Hamilton Park Cemetery, while the majority impact on all of Hamilton’s cemeteries.

Figure 2. Tier 1 of the Planning Context



**Regional Context**

**All cemeteries**

**Waikato-Tainui Environmental Management Plan 2013**  
*Restoration and protection of the environment and the special relationship Waikato-Tainui has with the environment.*

**Waikato Regional Council Regional Policy Statement and Plan (Operative 2000, Proposed 2010)**  
*Sustainable management of the region's natural, physical and cultural environment.*

*Joint Management Agreement between Waikato-Tainui and Hamilton City Council 2012*

*Provides for the relationship between Council and Waikato-Tainui and gives effect to the Waikato-Tainui Raupatu Claims Settlement Act 2010.*

**Heritage Cemeteries**

**Hamilton Proposed District Plan**  
*Zones each cemetery as "Neighbourhood Open Space".*

**Hamilton Heritage Policy**  
*Advocates international best practice principles for the identification, protection and promotion of heritage.*

**Hamilton East and Hamilton West Heritage Cemeteries Conservation Plan 2013<sup>1</sup>**  
*Identifies the heritage values of these cemeteries – historic, cultural, landscape and aesthetic values – and recommendations for their future management.*

**Hamilton Context**

**All cemeteries**

**Hamilton Plan**  
*Our plan to build a stronger economy and a more attractive city for families*

*Reducing the impact on the natural environment by using less energy and valuing and protecting our gully systems are key priorities.*

**Activity Management Plan**  
*Defines levels of service and identifies resources required to deliver these.*

**10-Year Plan and Annual Plan**  
*Defines resources available to operate, maintain and develop the Cemeteries for the community.*

**Open Space Plan**  
*Defines a long-term vision for Hamilton's open space network.*

**Council policies:**

- **Disability Policy**  
*Equity of opportunity and access to facilities and services for all people.*
- **Playgrounds Policy**  
*Guides the maintenance, upgrade, removal and development of new playgrounds.*
- **Smoke-free Environment Policy**  
*Smoking is prohibited in all Hamilton City parks.*

**Hamilton City Cemeteries and Crematorium Bylaw 2012**

- *Mainly relates to the standards for the operation of Hamilton Park Cemetery including the crematorium.*
- *No dogs or other animals are allowed in the cemeteries unless a guide dog or hearing ear dog, or a dog for enforcement purposes.*

**Hamilton Park Cemetery**

**Waikato District Plan**  
*Designates the land for the purpose of cemetery. The underlying zoning is "Rural".*

<sup>1</sup> Hamilton East & Hamilton West Heritage Cemeteries Conservation Plan, Heritage Consultancy Services, July 2013

## PART 3: OUR VISION

Our vision for Hamilton Cemeteries is to provide burial and cremation services in a respectful way, in beautiful park settings where the community can remember loved ones and appreciate our city's heritage.

Recognising the distinct differences between our active and closed cemeteries, our aspiration is to:

- deliver outstanding customer service and best practice in our operations and sustainability at Hamilton Park Cemetery; and
- protect the heritage values of Hamilton West and Hamilton East cemeteries through best practice conservation.

## PART 4: STRATEGIC CHALLENGES: AN EYE TO THE PAST, PRESENT AND FUTURE

We have identified seven key challenges to achieving our vision and aspirations.

### Looking after what we've got

- 1. Our two heritage cemeteries hold significant heritage value, reflecting the city's early communities.**  
Without appropriate protection and care this will be lost over time. We want to do the right things, the right way, to protect our heritage cemeteries for the enjoyment of current and future generations. We also want to encourage our communities to play their part in protecting and appreciating our past.
- 2. We provide peaceful park settings for people to remember and celebrate the life of their loved ones.**  
We want to protect and enhance the character of our sites, and sustainably use natural resources.

### Responding to customer needs

- 3. Our communities are becoming more diverse. Hamilton has more than a hundred ethnicities represented in the community<sup>3</sup>.**  
We want to appropriately enhance our services and amenities to meet different cultural and spiritual requirements. We will need to continue to offer a range of burial and ash interment options to meet diverse and changing customer expectations.
- 4. Services, amenities and information are not always available in the ways our customers want.**  
We want our facilities, online services, office hours and burial and cremation services to meet customer needs.

### Looking ahead

- 5. The population in Hamilton and the surrounding areas is increasing and there is a growing ageing population. According to Statistics New Zealand, annual deaths within the Hamilton Park Cemetery catchment are projected to increase from 2,644 in 2015 to 4,184 in 2045<sup>4</sup>.**  
To meet demand we will need to continue the extension of burial and ash interment lawns at Hamilton Park Cemetery, maximise land use, and plan to acquire additional land.
- 6. The current funding model for Hamilton Cemeteries covers operating costs, but will not be able to sustain future needs.**  
We need to develop a financially-sustainable business model to fund expansion, development and long-term maintenance commitments.
- 7. Capturing the hearts and minds of the community.**  
Increasing our community's understanding and appreciation of our heritage cemeteries will help us all care for and value our cemeteries now and into the future.

<sup>3</sup> 2013 Census

<sup>4</sup> Births and Deaths: Year ended December 2013 – Statistics New Zealand

## PART 5: ACHIEVING THE VISION

This Plan will help deliver our vision for Hamilton Cemeteries by responding to the identified strategic challenges, discussed under three groupings: Looking after what we've got; Responding to customer needs; and Looking ahead.

Figure 3 shows how the strategic goals, strategic objectives, operational policies and key actions respond to these strategic challenges and align with the vision.

Figure 3. Plan structure



## Looking after what we’ve got

### GOAL 1

#### *Protect and sustain Hamilton Cemeteries for current and future generations*

#### Challenge: Protection of Heritage

The Hamilton East and Hamilton West Heritage Cemeteries Conservation Plan (Conservation Plan), commissioned in 2013, identifies the heritage values of the respective sites. They each have features of historic, cultural, landscape and aesthetic significance.

Our two heritage cemeteries are pre-1900 sites which defines them as “archaeological sites” under the Heritage New Zealand Pouhere Taonga Act 2014 and means certain requirements must be met, including the need to consult with Heritage New Zealand to determine the requirement for an Archaeological Authority in the event of ground disturbance. The Resource Management Act 1991 also requires territorial authorities to sustainably manage natural and physical resources including “historic heritage resources” which incorporates both heritage cemeteries. At a local level neither cemetery is covered by any type of heritage protection overlay in the operative or proposed Hamilton District Plan. This could be considered for the future to recognise, protect and enhance their historic heritage status.

HERITAGE CEMETERIES	
<b>Objective 1.1</b>	Provide long-term protection to our heritage cemeteries.
<b>Policy 1.1</b>	Recognise and protect the historic, cultural, landscape and aesthetic significance of our heritage cemeteries.
<b>Key Actions 1.1:</b>	<ul style="list-style-type: none"> <li>• Consider scheduling Hamilton East and Hamilton West cemeteries as significant archaeological, historic and cultural sites in the Hamilton District Plan.</li> <li>• Identify the location of all human remains within Hamilton East and West cemeteries.</li> <li>• Establish a Friends of Hamilton Cemeteries group to champion stewardship and restoration work.</li> <li>• Establish a Heritage Cemeteries Advisory group to oversee and advise on headstone/monument restoration requests, initiatives or issues.</li> </ul>

#### Challenge: Appropriate Maintenance and Conservation

Appropriate maintenance of our heritage sites can only be achieved by applying best practice conservation principles. The Hamilton East and Hamilton West Heritage Cemeteries Conservation Plan draws upon the ICOMOS (International Council Of Monuments and Sites) conservation principles<sup>5</sup>.

The development of a comprehensive maintenance plan, based on the Conservation Plan, will ensure heritage values are protected. Appropriate changes will also be made to service level agreements and maintenance contracts to ensure all maintenance work is carried out appropriately. Slowing the degradation of ageing headstones through appropriate maintenance, managing vandalism, pest control and maintaining heritage landscape features will remain important. In terms of prioritising identified maintenance, fundamentally the safety of people must come first.

Different parts of each of the heritage cemeteries reflect changing beliefs, values and styles. Design guidelines will be important to ensure heritage values are not degraded or lost with public space improvements such as signage, furniture and other built amenities.

HERITAGE CEMETERIES	
<b>Objective 1.2</b>	Follow best practice management for our heritage cemeteries to minimise loss of heritage values.
<b>Policy 1.2</b>	Conserve our heritage cemeteries in keeping with best practice conservation principles.
<b>Key Actions 1.2:</b>	<ul style="list-style-type: none"> <li>• Develop a comprehensive maintenance plan to implement the recommendations of the Conservation Plan.</li> <li>• Carry out stabilisation, maintenance, repair, restoration or reconstruction of monuments in line with recommendations of the Conservation Plan.</li> <li>• Update maintenance contracts and service level agreements with service providers in alignment with the maintenance plan.</li> <li>• Implement a continuing programme of maintenance and conservation.</li> <li>• Develop design guidelines for Hamilton East and Hamilton West cemeteries to ensure signage, monuments, furniture and other built amenities reflect the character or historic context of these places.</li> </ul>

<sup>5</sup> Available at <http://www.icomos.org/nz/charters.htm>

**Challenge: Environmental Sustainability**

Our cemeteries are part of Hamilton’s open space network which includes parks and reserves. Managing potential negative impacts of our cemetery and crematorium operations on natural resources (air, water and land), responsible use of these natural resources, and enhancing the natural environment are key priorities.

**Water and Air**

Hamilton Park Cemetery has existing “discharge to air” resource consents issued by Waikato Regional Council for its two cremators, which are serviced to ensure optimal operation. A resource consent condition is that the water quality of the unnamed tributary of the Manganou Stream is monitored. Full compliance with all consent conditions has consistently been achieved over many years.

As new areas are developed at Hamilton Park Cemetery water table levels are monitored, to minimise effects on water tables and contaminants discharged to soil.

**Land**

Recycling of titanium joints and other metals remaining after cremation is being investigated, as an alternative to burial.

Regeneration of the native vegetation within Hamilton Park Cemetery gully areas is considered an important activity in enhancing, and providing opportunities for visitors to enjoy, the natural environment.

Looking to the future, sustainability initiatives such as eco-friendly construction methods, sustainable energy technologies and water harvesting could be incorporated into new buildings and developments.

HAMILTON PARK CEMETERY	
<b>Objective 1.3</b>	Provide long-term stewardship of the environment.
<b>Policy 1.3</b>	Protect natural resources through continuing best practice operations and ongoing monitoring. Use natural resources wisely. Enhance the environment.
<b>Key Actions 1.3:</b>	<ul style="list-style-type: none"> <li>• Enhance native planting in the gully that is partially on and adjacent to the Hamilton Park Cemetery site.</li> <li>• Incorporate eco-friendly construction methods, energy-efficient technologies and water harvesting into new buildings and structures, where possible.</li> </ul>



## Responding to customer needs

### GOAL 2

#### *Services and facilities are responsive to diverse customer needs*

#### Challenge: Meeting cultural and spiritual needs

A fundamental principle of the Burial and Cremation Act 1974 (the Act) is the dead are buried or cremated in a controlled and respectful manner.

Hamilton is a multi-cultural city. Hamilton Park Cemetery already has areas set aside for Muslim, Jewish and Exclusive Brethren burials for Hamilton and the wider Waikato region. We think it is important to have a clear set of criteria to assess applications from cultural and denominational groups for designated areas or “new” memorialisation methods or structures. Applications will be assessed against the following criteria:

- Compliance with bylaws and legislation;
- Land availability;
- The ability of the group to fund its proposed capital input and ongoing maintenance in perpetuity by demonstrating financial sustainability;
- Sufficient population to warrant an area being set aside for the cultural or denominational group;
- Site suitability in relation to existing amenities or proposed developments.

The final approval of an application will be at the discretion of the Cemeteries Manager.

With regard to Maaori tribal identity and integrity, we acknowledge the imperatives of tikanga as it relates to death, mourning and the tangihanga are significant and deeply held. There are also strong connections to other significant aspects of tikanga including connections to whenua (land), tapu (sacredness or separateness), whakapapa (ancestry) and whanaungatanga (the centrality of relationships to the Maaori way of life). The Conservation Plan outlines a number of recommendations to appropriately recognise these cultural values at our heritage cemeteries, represented as four key actions.

Hamilton Cemeteries supports alternative burial practices and a natural burial area was opened at Newstead in 2013 in response to an increasing number of customer requests.

ALL CEMETERIES	
<b>Objective 2.1</b>	Culturally-inclusive approaches to management and development at our cemeteries, particularly with regard to tangata whenua.
<b>Policy 2.1</b>	Respond to the diverse spiritual, cultural and familial needs of the community, within the context of relevant laws and bylaws.  Actively observe Maaori protocols.
<b>Key Actions 2.1:</b>	<ul style="list-style-type: none"> <li>• Implement a set of clear and transparent assessment criteria for cultural and denominational groups, as proposed in this Plan.</li> <li>• Plant kawakawa and/or low-growing ferns upon the graves of Maaori ancestors for use in religious rites and rituals.</li> <li>• Enable hapu to honour their ancestors with carved pou or other forms of cultural recognition in the style of their tribal origins, based on traditional graves or waahi tapu seen during the 1840s.</li> <li>• Support Maaori descendants to exhume the remains of their ancestors and set aside the original place of burial as waahi tapu.</li> <li>• Respect Maaori tikanga and guardianship (kaitiakitanga) if Maaori ancestral remains are found in unmarked graves within the grounds of the cemetery.</li> </ul>

**Challenge: Meeting access needs**

Equity of access to facilities, services and information – from a physical, virtual or affordability perspective – is an important issue for our communities.

Customers want our office to open on Saturdays for account payments, enquiries, plot purchases and service arrangements. They also want improved online access to burial information relating to our active and closed cemeteries.

Customers and funeral directors say our current burial and crematorium operating hours should align with normal business hours. Currently customers incur an after-hours fee for burial and services after 4.00pm and cremations after 4.30pm. These additional charges particularly impact religious groups with strict protocols around how quickly the deceased must be buried.

Fees and charges are currently set to recover 100 per cent of operating costs. Recent stakeholder feedback is burial plot fees are high at Hamilton Park Cemetery, making plots unaffordable for some families. In some cultures and religions cremation is prohibited, leaving families with currently no alternative burial location within Hamilton. We acknowledge the ongoing need to offer our community a range of burial and ash interment and memorialisation options, with fair pricing, within the context of a robust financial model. Financial sustainability of our cemeteries is discussed later as a strategic challenge.

The only public toilet available outside operating hours at Hamilton Park Cemetery is alongside the Chapel complex and does not have wheelchair access. A new accessible toilet is identified as part of the Concept Plan (marked “B” on Figure 3).

**Challenge: Improving the overall customer experience**

The Concept Plan for Hamilton Park Cemetery is a response to changing and diverse community needs.

Several stakeholders and the wider community have shared their ideas about potential future improvements for Hamilton Park Cemetery, which helped us formulate a Concept Plan for the development of the site. We’ve also listened to what our customers have been saying over recent years and we need to continue to enhance the overall customer experience.

There are five proposed development features, labelled A, B, C, F, and H on the Concept Plan (Figure 4). Timing of development will be dependent on funding and feasibility. Detailed design of proposed facilities, internal roading and landscape features has not been completed.

<b>Objective 2.2</b>	Improve access to information, services and facilities.
<b>Policy 2.2</b>	Ensure cemeteries cater for different needs in terms of service levels.
<b>Key Actions 2.2:</b>	<ul style="list-style-type: none"> <li>• Continue to offer a range of burial and ash interment and memorialisation options.</li> <li>• Review opening hours and sexton services in response to community demand.</li> <li>• Ensure all renewals of existing facilities and services any proposed meet best practice accessible standards.</li> <li>• Improve online access to services and information by leveraging new technologies.</li> </ul>





Figure 4. Concept Plan

**A. Works Depot**

*The development of a centrally-located workshop will better accommodate the expanding cemetery.*

- We have no wash-down area for work vehicles or designated workspace for staff to carry out vehicle and plant maintenance.
- The cemetery fleet is housed in the same area as the funeral director entrance to the crematorium which is unsuitable.
- As the cemetery expands closer to Vaile Road, the work depot would ideally be moved to a location more centrally located to where current and future activity is. This will save cemetery vehicles having to cover greater distances for burial and other activities.

**B. Toilet Block**

*Construct a new, modern and accessible toilet block.*

Current public toilets are some distance from burial lawns where the public most often visit. Our current toilets are not accessible-friendly.

**C. Outdoor Committal Shelter**

The cemetery receives requests to have outdoor services. An open-air shelter would enable this and other gatherings such as unveilings and anniversaries. It would also provide outdoor shelter for impromptu gatherings.

**F. Upgrade of existing Morrinsville Road Entrance**

An upgraded entrance into Hamilton Park Cemetery would reflect the importance of the site and improve after-hours security.

**G. Children’s Play Area**

Feedback from stakeholders over many years supports a child-friendly space to help demystify cemeteries for children, and make family visits to the cemetery a more welcoming and positive experience. Incorporating children’s play areas in active cemeteries is becoming common practice in Australian metropolitan cities.

HAMILTON PARK CEMETERY	
<b>Objective 2.3</b>	Develop fit-for-purpose facilities, services and activities to improve the experience of visitors, should a business case support these.
<b>Key Actions 2.3:</b>	<ul style="list-style-type: none"> <li>• Implement the Concept Plan, as resources allow:                             <ul style="list-style-type: none"> <li>A. Works Depot</li> <li>B. Toilet Block</li> <li>C. Outdoor Committal Shelter</li> <li>F. Upgrade of existing Morrinsville Road Entrance</li> <li>G. Children’s Play Area</li> </ul> </li> </ul>



## Looking ahead

### GOAL 3

#### *Meet future needs through sustainable planning and development*

#### Challenge: The ability to meet future demand

As well as being a future plan for the development of amenities, the Concept Plan is a plan for the staged expansion of Hamilton Park Cemetery based on projected demand, driven by population growth, death projections, and burial and cremation trends. This expansion includes extending burial and ash interment lawns and supporting infrastructure, such as water, power and internal roading. The development of new burial areas using space-efficient burial options is becoming increasingly important.

The cemetery has approximately 14 hectares available at Vaile Road for future expansion and development. The New Zealand Riding for the Disabled Association (Waikato Group) currently uses these 14 hectares under lease and licence agreements which run until 2019. The lease and licence areas are shown in Appendix 3.

Figure 4 shows the approximate staging of the overall site expansion towards Vaile Road, marked Stage 1 through to Stage 4. The start of each stage will depend on burial demand and funding. A new section of the cemetery will need to be created for the burial of children (marked “E” on Figure 4), as part of the Stage 2 expansion from about 2025.

Based on burial and ash interments trends and death projections, we estimate we’ve got enough land for another 50 years or so. We will look to acquire additional land to enable the continued provision of burial at this site well beyond 50 years.

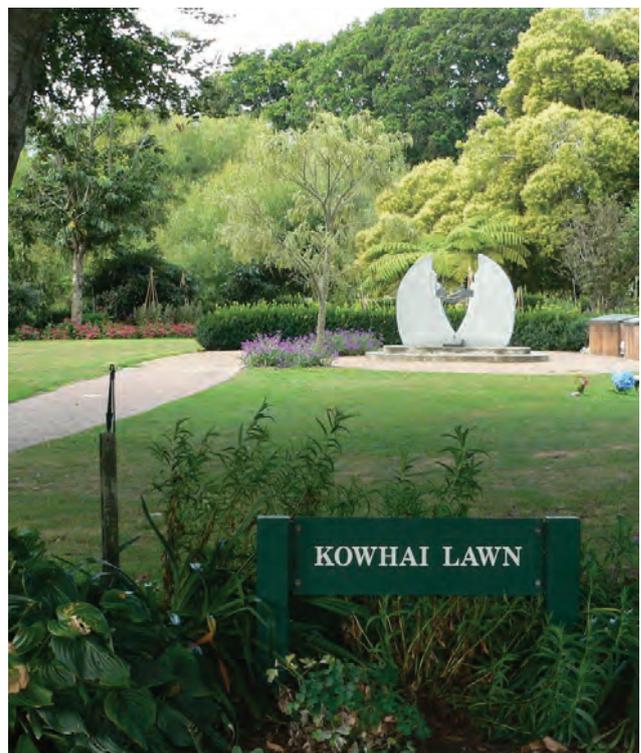
#### Sustainable Burial Practices

Since 1990 all burial plots at Hamilton Park Cemetery are dug to a depth to allow two casket burials and four ash interments. It is critical current and remaining land is used sustainably.

Council will need to consider alternatives to increase capacity/ burials per hectare. For example, public mausolea (above-ground burials) and vertical burials are less land-intensive than traditional burials. Mausolea are becoming popular in New Zealand and are proposed in the Concept Plan (marked “D” on Figure 3).

Intensification of existing land could be achieved by identifying unused areas for new graves, redesigning existing roads to free up space for new graves, and encouraging intensified use of existing single-depth graves.

HAMILTON PARK CEMETERY	
<b>Objective 3.1</b>	Plan for the sustainable expansion of Hamilton Park Cemetery.
<b>Policy 3.1</b>	Sustainable land use through sustainable burial activities and options.
<b>Key Actions 3.1:</b>	<ul style="list-style-type: none"> <li>• Implement the staged expansion of burial and ash interment lawns and supporting infrastructure (Figure 4).</li> <li>• Implement the Concept Plan (Figure 3), as resources allow:                             <ul style="list-style-type: none"> <li>E. Mausolea</li> <li>F. New Children’s Burial Area</li> </ul> </li> <li>• Investigate and offer burial options which are more space-efficient.</li> <li>• Intensification of use and reuse of existing sites, where practical.                             <ul style="list-style-type: none"> <li>• Identify unused areas for new graves.</li> <li>• Consider redesigning roads to free up space for new graves.</li> <li>• Encourage intensified use of existing single-depth graves.</li> </ul> </li> </ul>



**Challenge: Financial Sustainability**

Market forces, customer demand and the funding model for Hamilton Cemeteries will all have an impact on financial viability, now and into the future.

A sustainable financial model must be implemented to fund not only current operational costs, but also future maintenance costs as Hamilton Park Cemetery continues to expand and all three cemeteries continue to age. To achieve true financial sustainability, reserves need to be put aside to fund the costs of long-term maintenance.

The operating costs of the Hamilton Cemeteries are currently intended to be 100 per cent cost-recoverable through fees and charges. Capital improvements are funded through the cash-backed Cemeteries Reserve (Endowment) Fund while the renewal of existing assets is funded from rate-funded loans. Previously a “maintenance in perpetuity” fee was charged as part of the plot purchase price and held in the Cemetery Reserve Fund. This fee was removed when the 100 per cent cost-recovery model was adopted. The Cemetery Reserve Fund is now being used for Cemetery development with no money going back into the fund for maintenance in perpetuity. Funding long-term cemetery plot maintenance through an appropriate fee may need to be reinstated. Some local authorities charge an “out-of-district” fee on top of the standard plot purchase fee. This could be considered for residents from outside Hamilton, but may prove to be cost-prohibitive for most families.

If a denominational group wants to pre-purchase the burial rights to an area of the cemetery, the group will need to demonstrate sufficient future demand and financial viability to sustain the area, as part of their application. An option may be for the group to contribute a defined percentage into the Cemeteries Reserve Fund to cover future maintenance.

Council may also need to consider applications to external funding sources to resource heritage conservation projects. External funding is not available for maintenance of a general nature and some grants are restricted to community organisations.

ALL CEMETERIES	
<b>Objective 3.2</b>	Provide long-term stewardship through financial sustainability.
<b>Key Actions 3.2:</b>	<ul style="list-style-type: none"> <li>• Develop and implement a financially-sustainable business model to fund expansion, development and long-term maintenance.</li> <li>• Consider the financial viability of denominational group applications.</li> <li>• Identify external funding sources for specific conservation projects at our heritage cemeteries.</li> </ul>



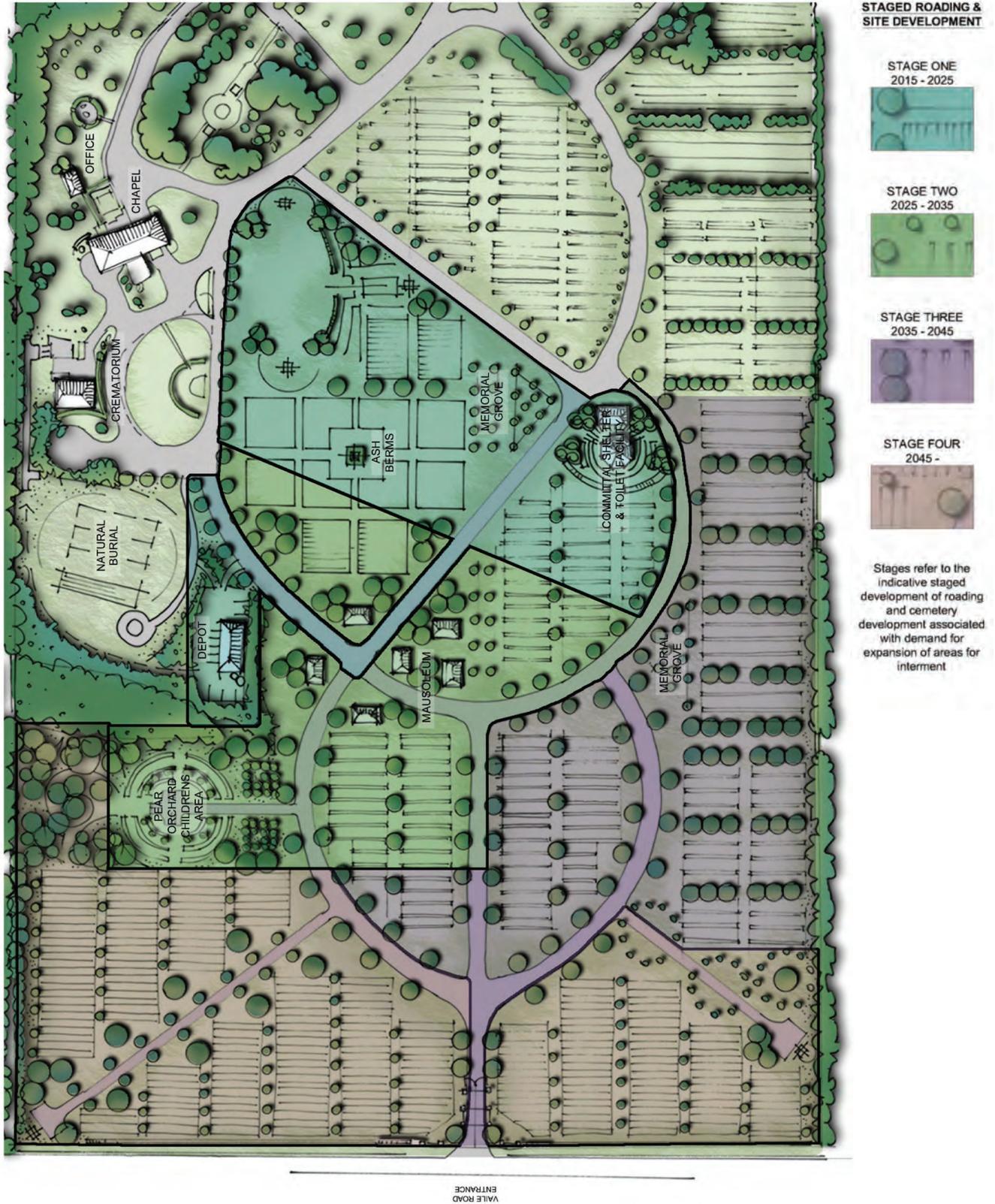


Figure 5. Proposed staged expansion of Hamilton Park Cemetery

## GOAL 4

### *Promote appreciation of our city’s heritage and encourage its collective stewardship*

#### Challenge: Increasing community engagement

It is important to promote and enhance the social and cultural values of Hamilton’s heritage cemeteries as places of passive recreation and learning opportunities. This could be achieved through improved interpretation – highlighting significant heritage features – and making it available in a variety of ways, such as signage, maps, brochures and via smart phone technology. Existing initiatives such as the Hamilton East Heritage Trail and guided tours should continue to be developed. Collaborations with other Council facilities such as Waikato Museum or Hamilton City Libraries could also increase the profile and understanding of the sites.

To enhance the physical experience at Hamilton East Cemetery, an outdoor meeting room is proposed. It would serve as a meeting place for educational or special interest groups, and as a place of quiet reflection at other times.

Public engagement activities could capture the hearts and minds of all generations, and conservation activities could be an engaging and meaningful way to gain community involvement, particularly local iwi.

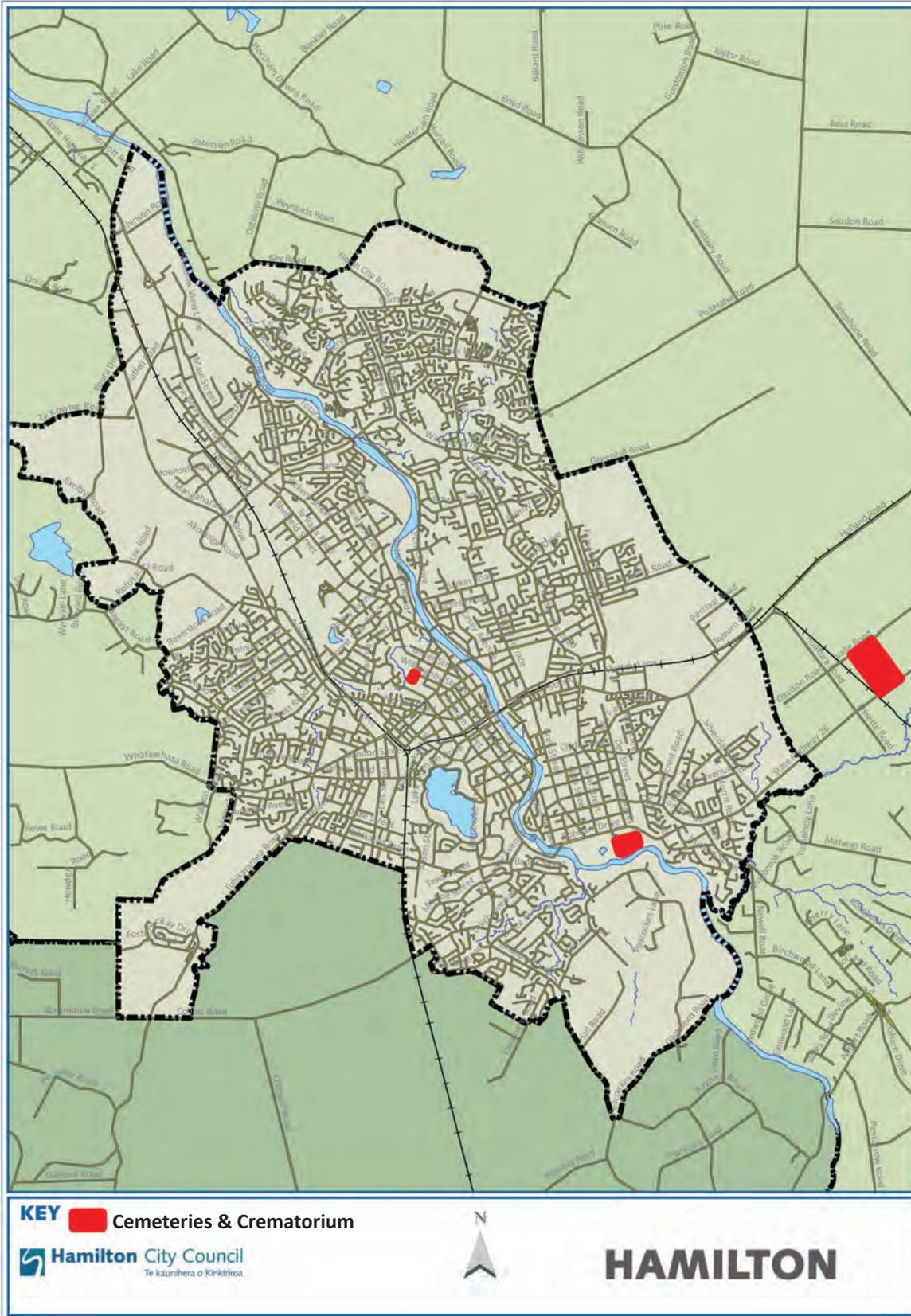
#### HERITAGE CEMETERIES

<b>Objective 4.1</b>	Enhance the value of Hamilton’s heritage cemeteries to the local community.
<b>Policy 4.1</b>	Introduce facilities, activities and public events to improve the experience of visitors.
<b>Key Actions 4.1:</b>	<ul style="list-style-type: none"> <li>• Foster participation in conservation activities with local iwi, recognising the importance for Maaori of tupuna buried at our heritage cemeteries.</li> <li>• Develop the proposed Outdoor Meeting Room at Hamilton East Cemetery as a place of reflection for visitors and meeting place for heritage tour groups.</li> <li>• Improve interpretation, signage and maps to improve orientation and understanding for visitors.</li> <li>• Update the Heritage Trail to include Hamilton West Cemetery and reflect new research.</li> <li>• Consider accessibility and use of smart phone technology.</li> <li>• Develop a programme of guided heritage trail walks, tours and other appropriate public engagement to showcase our heritage cemeteries.</li> <li>• Explore opportunities to promote and showcase the heritage values of our cemeteries, including potential publications and exhibition opportunities. Explore partnerships with Waikato Museum, Hamilton City Libraries and schools.</li> </ul>



## Appendices

### Appendix 1: Location Map of Hamilton Cemeteries

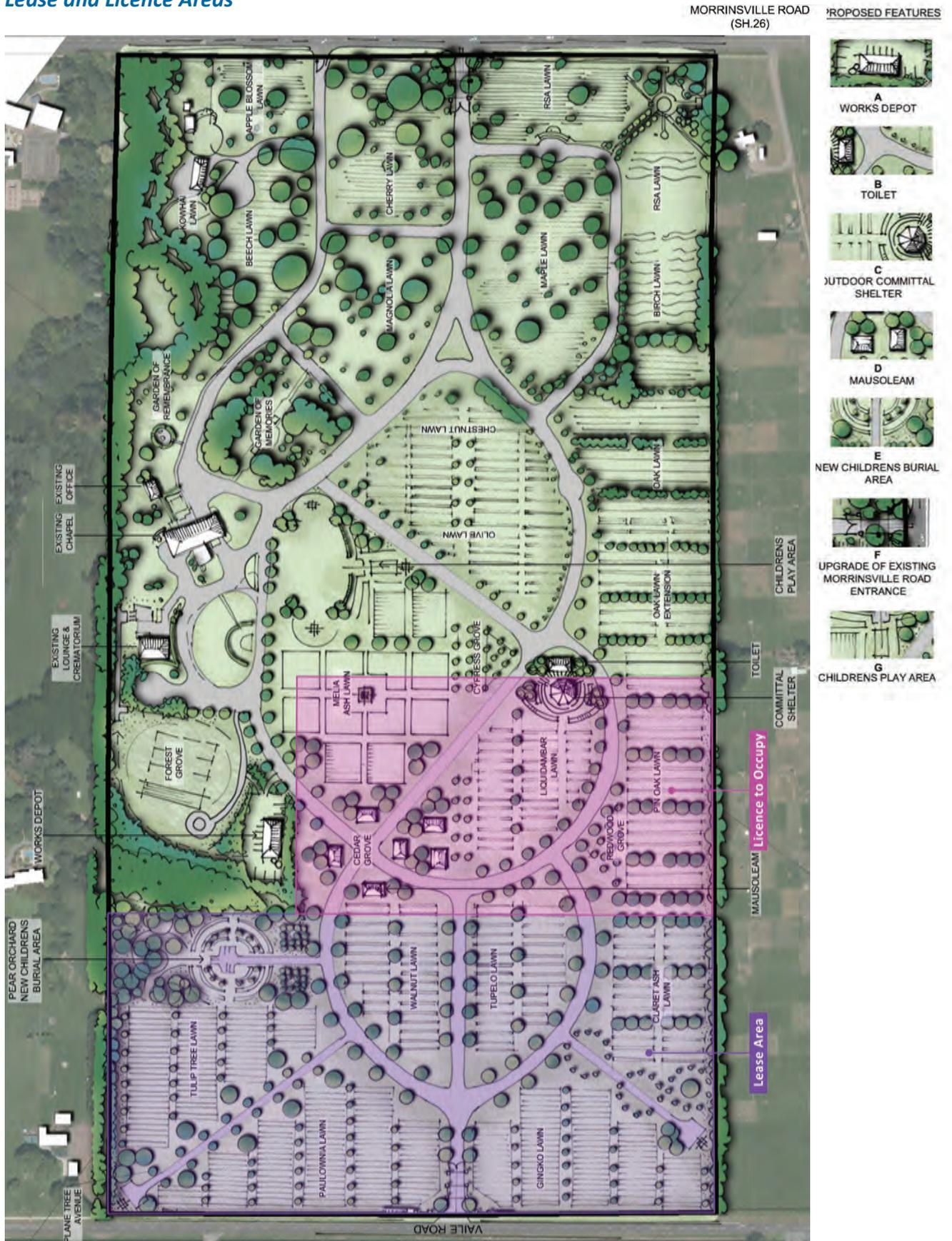


## Appendix 2: Legal status of Hamilton Cemeteries

	HAMILTON PARK CEMETERY	HAMILTON WEST CEMETERY	HAMILTON EAST CEMETERY
<b>Location</b>	395 Morrinsville Road, Newstead	Willoughby Street	Hungerford Crescent
<b>Legal Description</b>	Allotment 282, Kirikiriroa Parish Certificate of title 556/230	Allotments 213 and 214, Town of Hamilton West Certificate of title 411135	Part Allotment 252, Kirikiriroa Parish
<b>Size</b>	32.3748 hectares	8092 square metres	3.2366 hectares
<b>Reserves Act classification</b>	Local purpose (cemetery) reserve <i>New Zealand Gazette</i> 1990 page 1953 registered as Instrument H958078	Local purpose (cemetery) reserve <i>New Zealand Gazette</i> 1988 page 268 registered as Instrument H779039	Local purpose (cemetery) reserve Part <i>New Zealand</i> <i>Gazette</i> 1985 page 141 registered as Instrument H571265
<b>Nature of activity</b>	Operational cemetery and crematorium	Maintenance of a heritage site	Maintenance of a heritage site. Closed since 1992 with a limit to reserved plot burials only. The majority of the reserves (75%) will lapse by 2020



**Appendix 3: New Zealand Riding for the Disabled Association (Waikato Group) Lease and Licence Areas**



## Appendix 4: Glossary

**Conservation** means all the processes of understanding and caring for a place to safeguard its cultural heritage value. Conservation is based on respect for the existing fabric, associations, meanings, and use of the place. It requires a cautious approach of doing as much work as necessary but as little as possible, and retaining authenticity and integrity, to ensure that the place and its values are passed on to future generations.

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**Conservation plan** means an objective report which documents the history, fabric, and cultural heritage value of a place, assesses its cultural heritage significance, describes the condition of the place, outlines conservation policies for managing the place, and makes recommendations for the conservation of the place.

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**Cultural heritage value/s** means possessing aesthetic, archaeological, architectural, commemorative, functional, historical, landscape, monumental, scientific, social, spiritual, symbolic, technological, traditional, or other tangible or intangible values, associated with human activity.

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**Maintenance** means regular and on-going protective care of a place to prevent deterioration and to retain its cultural heritage value.

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**Preservation** means to maintain a place with as little change as possible.

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**Reconstruction** means to build again as closely as possible to a documented earlier form, using new materials.

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**Repair** means to make good decayed or damaged fabric using identical, closely similar, or otherwise appropriate material.

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**Restoration** means to return a place to a known earlier form, by reassembly and reinstatement, and/or by removal of elements that detract from its cultural heritage value.

<sup>6</sup> Glossary of terms taken from the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand Charter 2010)



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 **Hamilton City Council**  
Te kaunihera o Kirikiriroa

**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015  
**Report Name:** Public Art Sub-Committee      **Author:** Ihsana Ageel

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Arts Agenda, Public Art Plan and Development Guide</i>
<b>Financial status</b>	<i>There is no budget allocated</i>
<b>Assessment of significance</b>	<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 a draft Public Art Sub-Committee Terms of Reference for adoption.

## 3. Executive Summary

- At the 26 May 2015 Strategy and Policy Committee, the Public Art Plan and Development Guide was adopted and Council resolved that a draft Terms of Reference for a Public Art Sub-Committee be reported back to the 7 July Strategy and Policy Committee meeting.
- The draft Terms of Reference (Attachment 1) delegates authority to the Public Art Sub-Committee to:
  - Approve public artwork projects in accordance with the Public Art Development Process; and
  - Approve funding from the Public Art Support Fund.
- The Strategy and Policy Committee will continue to deal with strategic matters relating to public art, including:
  - Revisions to the Public Art Plan and Development Guide; and
  - Revisions to the Public Art Panel Terms of Reference and membership
- The Public Art Sub-Committee and Public Art Support Fund definitions in the Public Art Plan and Development Guide's Appendix 3 - Terminology will need to be amended (outlined in Attachment 2) to ensure alignment with the draft Sub-Committee Terms of Reference.

**8. Recommendations from Management - *Recommendation to Council***

- a) That the Report be received;
- b) That the draft Public Art Sub-Committee Terms of Reference be adopted;
- c) That the revised Public Art Plan and Development Guide Appendix 3 amendments be adopted; and
- d) That the Strategy and Policy Committee appoint the members of the Public Art Sub-Committee and determine its quorum.

**9. Attachments**

10. Attachment 1 - Public Art Sub-Committee Terms of Reference
11. Attachment 2 - Public Art Plan and Development Guide - Appendix 3 terminology amendment

**Signatory**

Authoriser	Blair Bowcott, General Manager Performance Group
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## Public Art Sub-Committee

<b>Reports to:</b>	Strategy and Policy Committee
<b>Chairperson:</b>	TBA
<b>Membership:</b>	TBA
<b>Meeting frequency:</b>	As required
<b>Quorum:</b>	TBA

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### Terms of Reference:

1. To provide leadership and oversight to achieve balanced management of Hamilton's public art activity.
2. To promote public art opportunities in Hamilton.
3. To foster partnerships with key stakeholders and consult with mana whenua on all permanent artwork installations in public spaces.
4. To receive information from and provide advice to the Public Art Panel and staff in accordance with the Public Art Development Process.
5. To receive reports on the integration of public art into activities occurring in Hamilton.

### Special Notes:

- The sub-committee may request expert advice through the Public Art Panel or Chief Executive when necessary.
- The sub-committee oversees the implementation of the Public Art Plan and Development Guide.
- The sub-committee's Chairperson and Council's Chief Executive, acting jointly, approve the developed design of permanent public artworks after receiving recommendations from the Public Art Panel and Council staff. The Chairperson may consult with other members of the sub-committee or other Elected Members in relation to this decision.

### Power to act:

- Assess and approve the concept for public art projects received from the Public Art Panel in accordance with the Public Art Development Process.
- Assess and approve funding for public art from the Public Art Support Fund.
- Approve all other matters in accordance with the terms of reference of this sub-committee.

### Power to recommend:

- The subcommittee may make recommendations to the Strategy & Policy Committee in relation to matters within the terms of reference for this sub-committee.

## APPENDIX 3 TERMINOLOGY

**Acquisition** – the addition of a new artwork to Hamilton's Public Art Collection.

**Artist** – person appointed by project group to deliver on the approach described in the artist brief.

**Artist brief** – requirements the artist must respond to when developing a concept for the site.

**CE** – Chief Executive of Hamilton City Council.

**Concept** – an early visual representation of a proposed artwork design.

**Deaccession** – the removal of an artwork from Hamilton's Public Art Collection.

**Developed design** – detailed in-situ images, engineering plans, and landscape design for a proposed artwork.

**Minor change** – a change from the approved developed design that will not affect the reading of the artwork.

**Permanent artwork** – artwork in Hamilton's Public Art Collection that is owned and maintained by Hamilton City Council. Artworks are either commissioned by the Council or gifted to the Council.

**Project group** – organisation leading the public art project.

**Project manager** – person appointed by project group to lead the project.

**Public Art Panel** – Hamilton City Council advisory group on all public art matters.

**Public Art Subcommittee** – a subcommittee of the Hamilton City Council. ~~Public Art~~ This Subcommittee ~~resolutions are ratified by the~~ will report to the Strategy and Policy Committee ~~on an as required basis~~.

**Public Art Support Fund** – a Council fund to support the development of public art in Hamilton. ~~All funding decisions are made by the Public Art Subcommittee and are required to be ratified by all elected members in the Strategy and Policy Committee.~~

**Staff** – Hamilton City Council staff.

**Temporary artwork** – artwork that is installed for a set period of time, or artworks on public land that are not in the city's Public Art Collection.



**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015  
**Report Name:** Draft Hamilton Alcohol Control Bylaw 2015 for Public Engagement      **Author:** Liz Hallsworth

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	Central City Safety Plan.
<b>Financial status</b>	<i>The review of bylaw is covered with existing budgets.</i>
<b>Assessment of significance</b>	<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

- Following the review of the [Hamilton City Public Places Liquor Control Bylaw 2010](#), to present a draft Hamilton Alcohol Control Bylaw 2015, for consideration and adoption to commence public engagement.

## 3. Executive Summary

- The review of the Hamilton City Public Places Liquor Control Bylaw 2010 has shown the bylaw is functioning well.
- The bylaw has been amended to align with legislative changes and to make it easier to understand.
- This report presents a draft amended bylaw with an updated name (Attachment 1) for consideration and adoption for public engagement and feedback.

## 7. Recommendations from Management - Recommendation to Council

- That the Report be received;
- That Council determine that the proposed draft Hamilton Alcohol Control Bylaw 2015 is the most appropriate form of bylaw;
- That Council determine that the proposed draft Hamilton Alcohol Control Bylaw 2015 does not give rise to implications under the New Zealand Bills of Rights Act 1990;
- That the proposed draft Hamilton Alcohol Control Bylaw 2015 be adopted by Council for public engagement;
- That an Alcohol Control Bylaw Hearing Sub-committee (Comprising of [Councillors names to be inserted]) be established to hear and deliberate on submissions made to the Proposed Hamilton Alcohol Control Bylaw 2015, and that the subcommittee be

disestablished at the completion of the hearing process; and

- f) That the subcommittee reports a summary of the oral submissions and evidence presented on the Proposed Hamilton Alcohol Control Bylaw 2015, including recommendations, to the November Strategy and Policy Committee as part of the staff report for deliberation and adoption.

## 8. Attachments

9. Attachment 1 - Draft Hamilton Alcohol Control Bylaw 2015
10. Attachment 2 - Outline of changes made to the bylaw during the review

## 11. Key Issues

12. Background
13. At its meeting on 8 April 2015, the Strategy and Policy Committee determined that a bylaw was the most appropriate mechanism to address issues associated with the consumption and possession of alcohol in a public place (determination report - [Item 7](#)).
14. The draft Hamilton Alcohol Control Bylaw 2015 prohibits or controls the consumption and possession of alcohol in specified public places.
15. Currently there are three bans in place
  - 24/7 ban in the Central City area
  - 24/7 ban in the Te Rapa area
  - 10pm to 6am / 7 days a week ban applies all land in the district of Hamilton City Council.
16. Staff presented the draft bylaw to the 13 May 2015 [Business and Investment Subcommittee](#) for feedback and this has been considered in the proposed draft bylaw.
17. Legislative requirements or legal issues
18. The bylaw is legislatively required to be reviewed by 11 August 2015, a period of 5 years since it was made.
19. Amendments to the Local Government Act 2002 (LGA 2002), Section 147A now require Council be satisfied that:
  - a high level of crime or disorder is caused or made worse by the consumption of alcohol in a public place
  - the proposed / continued control is a reasonable restriction on people's rights in light of that evidence.
20. This applies when making, replacing, amending or continuing a bylaw relating to consumption and possession of alcohol in a public place.
21. In the review of the Hamilton City Public Places Liquor Control Bylaw 2010 staff sought feedback from the following stakeholders:
  - Hamilton Central Business Association
  - Youth Advisory Panel
  - Older Person's Advisory Panel
  - CCS Disability Action
  - Safety in CBD group (NZ Police, HCC, ACC, Hospitality New Zealand, Stakeholders from the Alcohol Industry, Waikato University Student Union, Population Health, NZ Fire Service)
  - Wintec
  - Te Runanga o Kirikiriroa

22. For full feedback received from these stakeholders and for data on the existing ban areas provided by the NZ Police refer to the determination report - [Item 7](#).
23. The data available, together with anecdotal evidence from both the NZ Police and the other stakeholders, indicates that if the current ban areas were removed the levels of crime and disorder, caused or made worse by alcohol, would be likely to increase and make it harder for the NZ Police to effectively manage issues associated with alcohol.
24. The proposed bylaw is not considered to be inconsistent with the New Zealand Bill of Rights Act 1990.
25. Proposed Bylaw
26. Based on feedback a ‘no change approach’ to the effect of the bylaw is recommended. Several updates have been made to the bylaw in terms of:
  - Key terminology updated to align with legislative changes (including updating the name of the bylaw)
  - Amending definition of ‘public place’ to align with legislation
  - Clarifying the new ability of the NZ Police to issue an infringement fine, in addition to the power of arrest.
27. The amended bylaw has been drafted and formatted to ensure it is easier to read. The draft text has been tested with both internal and external stakeholders to check for readability and ease of understanding. The draft has also been legally reviewed to ensure it is legally robust.
28. Although the proposed changes do not change the powers of the bylaw it does look different. Staff have provided an explanatory document that outlines what changes are being proposed and why (Attachment 2).
29. Consultation and Engagement
30. 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 its Significance and Engagement Policy.
31. Council is still required under sections 156 1)b) and 160A of the LGA 2002 to consult on bylaw reviews and in doing so give effect to section 82 Principles of Consultation.
32. Staff have used the following checklist, derived from section 82 and Council’s Significance and Engagement Policy, to determine the type and level of engagement that is needed:

Assessment for Significance and Engagement	Alcohol Control Bylaw 2015
Is there a legal requirement to carry out full SCP?	No
Is there a legal requirement to carry out public consultation and engagement?	Yes
Will the bylaw apply to a large portion of the community?	Yes
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 – maintaining the safety of the city is of interest to the community as a whole
Does the proposal affect the level of service of a significant activity or involve transferring ownership or control of strategic assets?	No

Assessment for Significance and Engagement	Alcohol Control Bylaw 2015
Is community interest high?	Likely
Are the likely consequences controversial?	No
Are <u>all</u> the interested parties views and preferences already known?	No only key stakeholders

33. While the SCP is no longer required, the results of the above matrix indicate a reasonable level of public interest and a corresponding need for public involvement and feedback.
34. 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 including;
  - An online publicly notified engagement period
  - Public drop in sessions
  - Hearings
35. Based on the analysis above, an online engagement process is recommended with the following elements:
  - Public notice
  - Online engagement open to the community ( 5 August 2015 - 2 September 2015)
  - Hearings subcommittee to hear submitters
36. A four week engagement period is recommended to allow the public a reasonable opportunity to engage with the draft bylaw. The hearings subcommittee will give the public and key stakeholders an opportunity to formally present their views to Councillors.
37. Staff will report back to the 3 November 2015 Strategy and Policy Committee with the report from the Subcommittee on the hearings and their recommendations for deliberation and adoption of the bylaw.

**38. Financial and Resourcing Implications**

39. The draft bylaw has no additional resourcing or financial implications than those required by the current bylaw.
40. The bylaw is enforced by the NZ Police and signage costs are covered under current budgets.

**41. Risk**

42. The proposed changes to the bylaw are able to be undertaken within the existing legislative frameworks and therefore pose low legislative risk.
43. The recommended engagement process meets the legislative requirements under section 82 of the LGA.

**Signatory**

Authoriser	Brian Croad, General Manager City Environments Group
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**Hamilton City Council  
BYLAWS**



<b>Approved By: Council</b>	<b>Date Adopted : 11 August 2010</b>
<b>Date Amended:</b>	<b>Amendments:</b> <ul style="list-style-type: none"> <li>• Update to include changes to Legislation,</li> <li>• Style of bylaw updated to be easier to read.</li> </ul>
<b>Date Amendment came into force:</b>	<b>Review Date:</b>

**DRAFT HAMILTON ALCOHOL CONTROL BYLAW 2015**

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002 and any amendments to that act.

DRAFT

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## Hamilton City Council BYLAWS

### 1. TITLE

1.1. Hamilton Alcohol Control Bylaw 2015.

### 2. REVOCATION

2.1. This bylaw revoked and replaced the Hamilton City Public Places Liquor Control Bylaw 2007.

### 3. PURPOSE AND SCOPE

3.1. The bylaw aims to reduce harm related to alcohol by controlling where and when people can drink or have alcohol in their possession in public places. This bylaw is made under the authority of the Local Government Act 2002 and applies to any public places within the district of Hamilton City Council as specified in Schedule 1A.

### 4. DEFINITIONS

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

<b>Alcohol</b>	Has the same meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012. <i>Explanatory note: As at 1 December 2014, the definition of alcohol means a substance (a) that— (i) is or contains a fermented, distilled, or spirituous liquor; and (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or (b) that— (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.</i>
<b>Council</b>	Means Hamilton City Council.
<b>Event</b>	Means an organised activity involving a large group of people.
<b>Licensed Premises</b>	Meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012. <i>Explanatory note: As at 1 December 2014, the definition of licensed premises means any premises for which a licence is held.</i>
<b>Public Place</b>	Meaning given by section 147(1) of the Local Government Act 2002. <i>Explanatory note: As at 1 December 2014, the definition of public place - (a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but (b) does not include licensed premises.</i>
<b>Special Licence</b>	Means the type of licence detailed in section 22 of the Sale and Supply of Alcohol Act 2012.

4.2. Explanatory notes are for information only. They do not form part of this bylaw, and may be made, amended, revoked or replaced by the Council at any time without a formal process.

4.3. Any future amendments to, or replacement of, a part of an act or regulation referred to in the bylaw apply to this bylaw.

## Hamilton City Council BYLAWS

### 5. PERMANENT ALCOHOL BANS

5.1. A person must not:

- a) bring alcohol into an alcohol ban area specified in Schedule 1; or
- b) consume alcohol in an alcohol ban area in Schedule 1, or in a vehicle within an alcohol ban area; or
- c) have alcohol in their possession in an alcohol ban area or in a vehicle that is in an alcohol ban area specified in Schedule 1,

Unless an exemption or special licence applies.

*Explanatory note 1: alcohol ban areas are outlined in Schedule 1 of this bylaw and exclude licensed premises.*

*Explanatory note 2: From 1 December 2014 under section 147(4) of the Local Government Act 2002, the prohibitions in clause 5 do not apply to alcohol in an unopened container in the following circumstances;*

- a) the alcohol is being transported from licensed premises next to a public place, if—
  - (i) it was lawfully bought on those premises for consumption off those premises; and
  - (ii) it is promptly removed from the public place; or
- (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
- (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
  - (i) the transport is undertaken by a resident of those premises; and
  - (ii) the alcohol is promptly removed from the public place.

### 6. EXEMPTIONS

- 6.1. A person can apply in writing to Hamilton City Council's Chief Executive (or the Chief Executive's nominated representative) for an exemption for an activity that would be in breach of this bylaw.
- 6.2. The Council will consult with the New Zealand Police when considering all applications for exemptions.
- 6.3. When an exemption is granted the public must be informed of the activity 7 days in advance of it taking place.
- 6.4. Fees may be prescribed to cover any actual and reasonable costs associated with the public notice, processing the application and/or obtaining a police response to the application for an exemption.

### 7. SPECIAL LICENCES

- 7.1. This bylaw does not stop any individual or organisation (corporate or otherwise) from obtaining a special licence for an event to be held in an alcohol ban area.
- 7.2. Clauses 5 and 8.1 do not apply to alcohol sold, supplied or consumed within the area to which a special licence applies.

### 8. TEMPORARY ALCOHOL BANS

- 8.1. In addition to clause 5, the Council may from time to time, resolve under the Local Government Act 2002 to include additional area(s) as an alcohol ban area for a particular time period relating to a specified event or a particular time of the year.
- 8.2. If this is done the Council will give the public at least 7 days notice of the temporary ban. The details of the alcohol ban area and when it will apply will also be made publically available.

**Hamilton City Council  
BYLAWS**

**9. AMENDING ALCOHOL BANS**

- 9.1. The Council may amend or revoke an alcohol ban in accordance with the Local Government Act 2002 (Subpart 1 of Part 6).
- 9.2. The Council may make resolutions to amend the alcohol ban areas in accordance with section 147B of the Local Government Act 2002.

**10. SIGNAGE**

- 10.1. The Council may display signs informing the public of the alcohol ban area. The absence of signage is not a defence against breach of this bylaw.

**11. POWERS OF THE POLICE**

- 11.1. In an alcohol ban area, in accordance with sections 169 and 170 of the Local Government Act 2002, the New Zealand Police may:
  - a) inspect containers in the possession of people who are in or entering an alcohol ban area;
  - b) search a vehicle that is in or entering an alcohol ban area;
  - c) seize and remove alcohol and its container if it has been brought into an alcohol ban area; and
    - (i) arrest a person if they are committing an offence;
    - (ii) arrest a person who has refused to comply with a request by a member of the New Zealand Police:
      - to leave the alcohol ban area, or
      - to surrender the alcohol that, in breach of the bylaw, is in the person's possession.

**12. OFFENCES AND PENALTIES**

- 12.1. Any person who does not comply with the provisions of this bylaw commits an offence.
- 12.2. An offence under this bylaw is liable to a penalty under the Local Government Act 2002.

*Explanatory note: As at 29 October 2013 the penalty for breaching an alcohol ban is an infringement fee of \$250 under the Local Government Act (Alcohol Ban Breaches) Regulations 2013.*

The foregoing amended bylaw was duly made by the Hamilton City Council by a resolution passed on the DAY of MONTH 2015 following consideration of submissions received during the consultation period. The Hamilton Alcohol Control Bylaw 2010 (Amended) was ordered to come into force on the DAY of MONTH 2015.

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

Councillor: \_\_\_\_\_

Councillor: \_\_\_\_\_

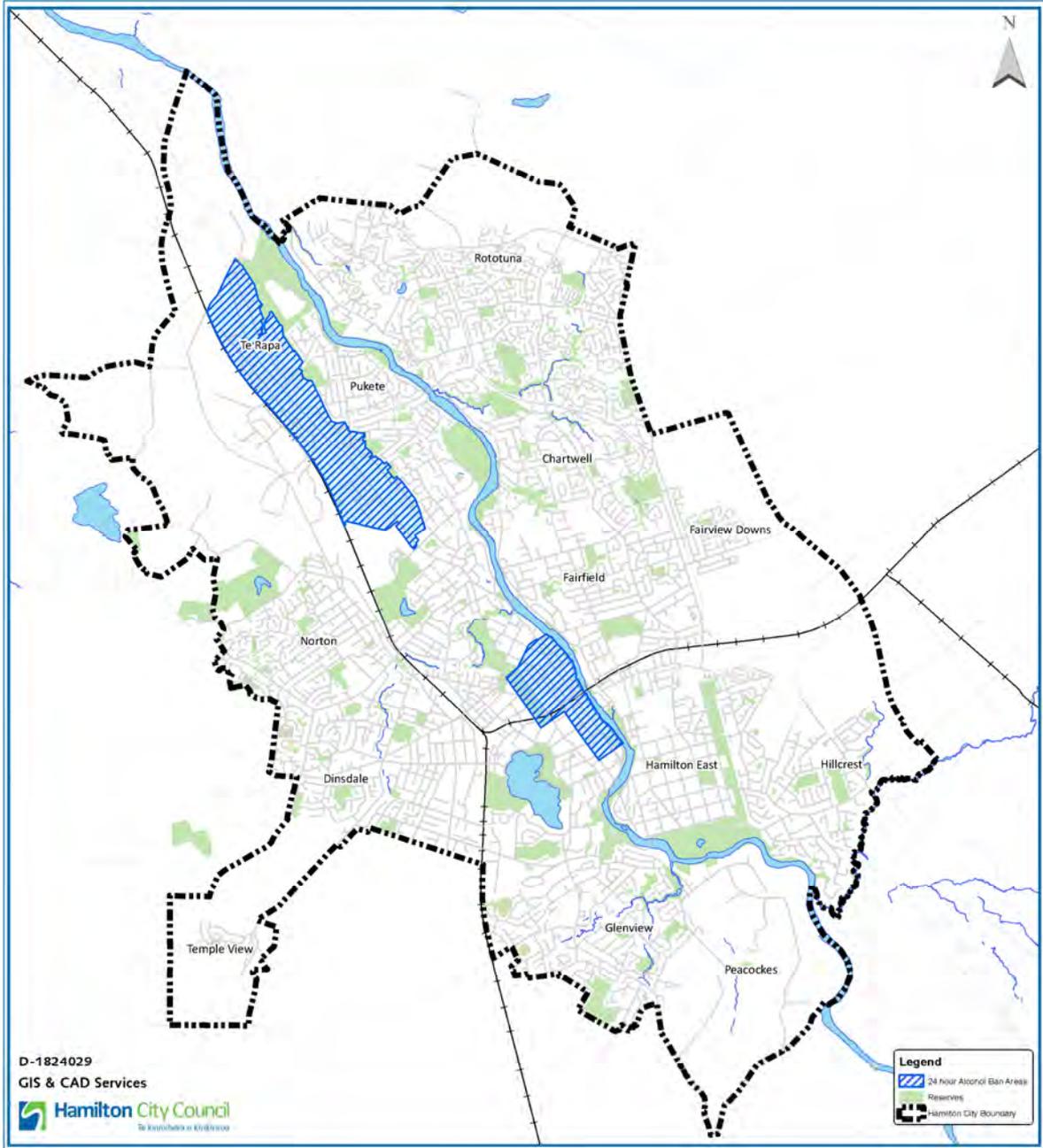
Chief Executive: \_\_\_\_\_

# Hamilton City Council BYLAWS

## SCHEDULE 1: ALCOHOL BAN AREAS

### A. Time Restricted Alcohol Ban Area

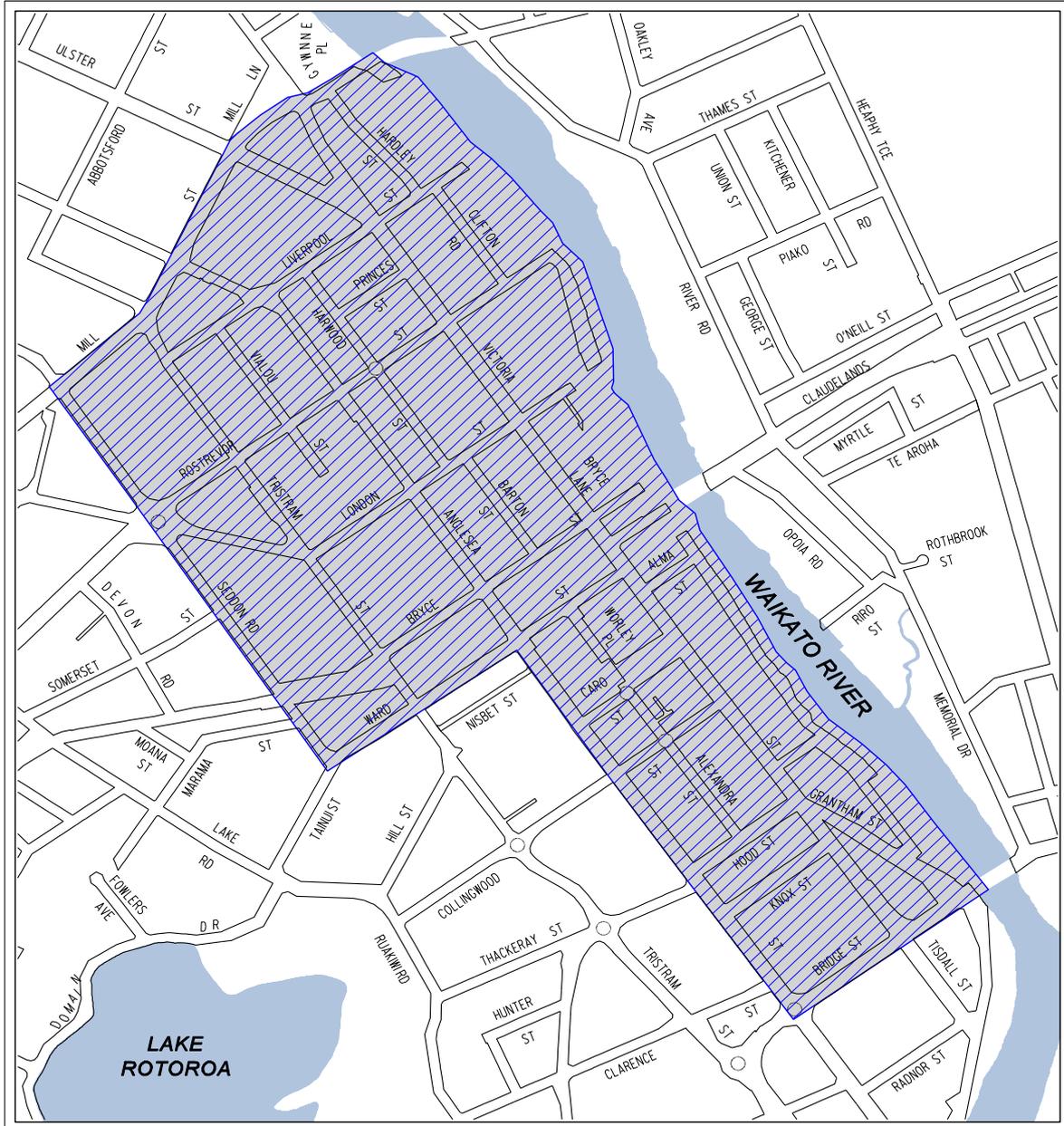
An alcohol ban is in place, covering all public places within the district of Hamilton City Council, shown within the black dotted line on the map below, from 10pm to 6am, 7 days a week.



# Hamilton City Council BYLAWS

## B. 24 hour Central City Ban Area

The parts of the Central City shown by the blue shaded area in the map below are included within the Central City Alcohol Ban Area. The ban is in place 24 hours a day, 7 days a week:



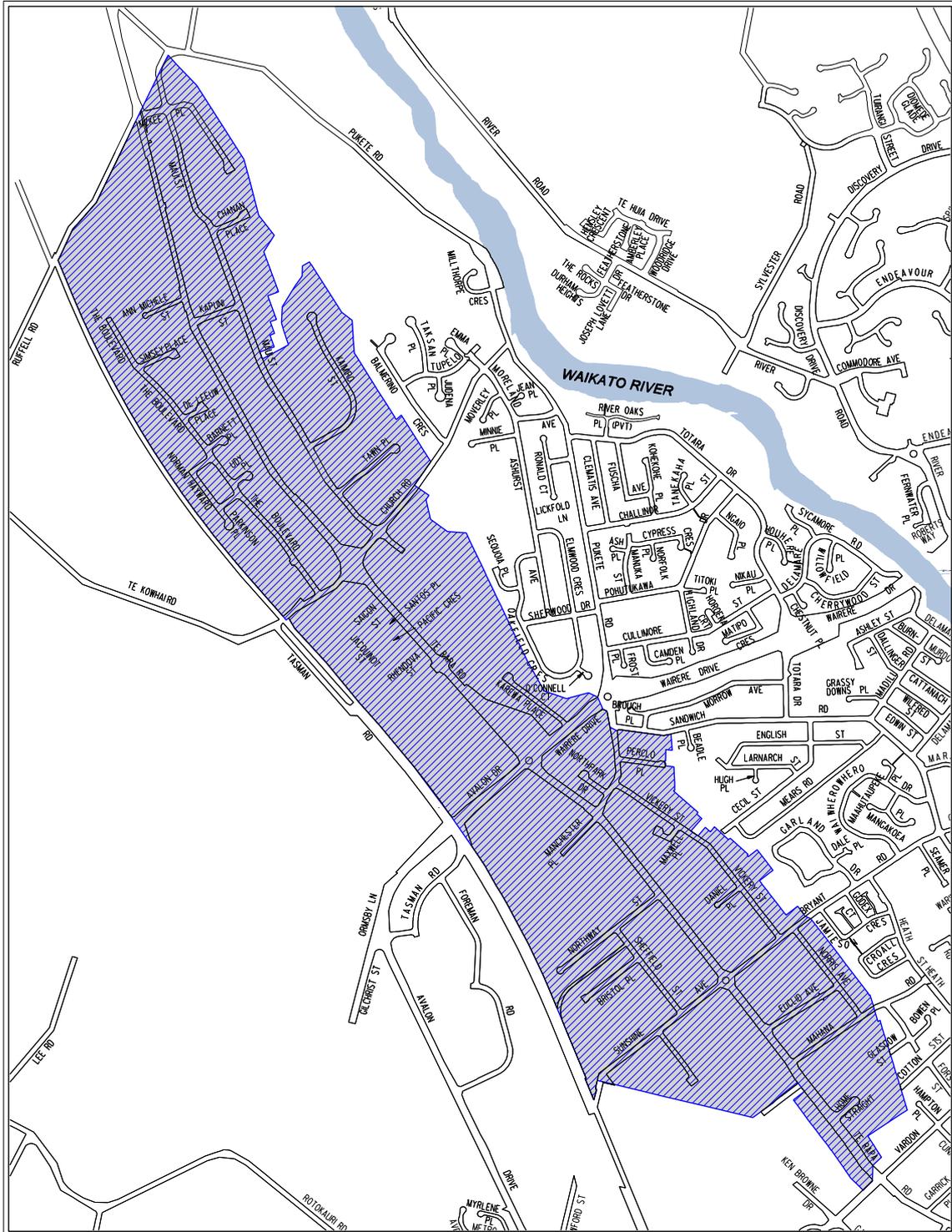
# Hamilton City Council BYLAWS

Item 10

Attachment 1

## C. Te Rapa Alcohol Ban Area

The following parts of Te Rapa shown by the blue shaded area in the map below are included within the Te Rapa Alcohol Ban Area. The ban is in place 24 hours a day, 7 days a week:



## Outline of changes to the bylaw

The following table identifies proposed changes to the Liquor Control Bylaw 2010, for each specific clause. All proposed changes are minor and are recommended for readability or to align with legislation. Please refer to the link for the current bylaw, and Attachment 1 for the proposed bylaw in the report.

Current bylaw clause	Proposed change	Reasons
Clause 1 – Short title	Name of bylaw changed to ‘Alcohol Control Bylaw 2015’.	Name has been changed to align with current naming conventions and legislation. Liquor is now referred to as ‘alcohol’ in Local Government Act 2002 (LGA).
Clause 2 - Revocation	No change.	
Clause 3 - Purpose of bylaw	Purpose is amended to relate directly to alcohol related harm and now includes the scope of bylaw.	Streamlined wording to better describe the purpose of bylaw.
Clause 4 - Scope	Scope of bylaw is merged with Clause 3, ‘Purpose of Bylaw’. Specifies the bylaw applies to all public places within the district of Hamilton City Council and refers to the new map in Schedule 1 A.	Streamlines bylaw.
Clause 5 - Definition	Becomes Clause 4 ‘Definitions’. The following definitions were updated: <ul style="list-style-type: none"> <li>Public Places (updated definition to reflect legislative change)</li> <li>Event</li> </ul> The following new definitions have been included: <ul style="list-style-type: none"> <li>Alcohol</li> <li>Council</li> <li>Licensed premises</li> <li>Special licences</li> </ul>	Definitions updated for readability and to reflect legislative changes. New definitions help clarify further clauses in the bylaw.
Clause 6 - Control of Liquor	Becomes Clause 5 ‘Permanent Alcohol Bans’. The same conditions for alcohol ban areas are maintained, but now include an exception for those who have an exemption or special licence.	Wording has been updated to align with legislative changes. Additional wording clarifies that serving alcohol in an alcohol ban area, when a special licence or exemption has been obtained, is permitted.
Clause 7 - Adding, amending or deleting a Specified Public Place	This clause is separated into Clause 8 ‘Temporary Alcohol Bans’ and Clause 9 ‘Amending Alcohol Bans’.	The separation of clause 7 makes it easier to read and understand. The language has been updated to align with changes in the LGA.
Clause 8 - Criteria for adding or modifying alcohol bans	Clause deleted.	No longer required as the LGA 2002 covers this criteria and it is not necessary to repeat this.
Clause 9 - Breach	Becomes part of Clause 12 ‘Offences and Penalties’.	Readability and user-friendliness.

<b>Clause 10 - Exceptions</b>	Clause deleted.	Exceptions for licensed and other premises are now covered in the Explanatory note 1 and 2 under Clause 5.
<b>Clause 11- Special Licences</b>	Becomes Clause 7 'Special licences'. Extra wording added clarifying that the alcohol ban conditions would not apply if the operator has a special licence.	The simplified wording aims to mitigate confusion. The intention of the current bylaw was that the special licences would not be required to apply for council exemption if they already hold a special licence to operate in alcohol ban areas. The council waiver/exemption is intended for BYO events where the operators need to hold an event within an alcohol ban area.
<b>Clause 12 - Dispensation</b>	Becomes Clause 6 'Exemptions'. The wording specifying the process for Council to grant exemptions to a person is simplified. The exemption, once granted allows for activities to be held that would otherwise be in breach of the bylaw.	Readability and user-friendliness.
<b>Clause 13 - Powers of the Police</b>	Becomes Clause 11 'Powers of the Police'.	Streamlined wording and alignment with the LGA.
<b>Clause 14 - Penalties</b>	Becomes Clause 12 'Offences and Penalties'. Includes explanatory note.	Amended to reflect that the LGA has now granted the NZ Police powers to issue an infringement fine.
<b>Schedule 1</b>	Remains Schedule 1. Additional map included showing the district of Hamilton City Council. Schedule is separated into three maps: A, B and C.	The previous schedule was hard to read and understand. Amendments to the schedule aim to improve its readability.
<b>Other changes</b>	<ul style="list-style-type: none"> <li>• Explanatory notes have been inserted where appropriate, to provide greater clarity.</li> <li>• Clause 3.2 now states that the explanatory notes are not part of the bylaw</li> <li>• Clause 3.3 now states that references to acts, regulations should be read as reference to the act or regulation and any future amendments to or replacement of the act or regulation.</li> <li>• Additional clause on 'Signage' included clarifying the purpose of signage and its effect on the validity of the alcohol ban areas.</li> </ul>	

**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015

**Report Name:** Gambling Polices Review      **Author:** Debra Stan-Barton

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Legal requirement</i>
<b>Financial status</b>	<i>There is not budget allocated</i>
<b>Assessment of significance</b>	<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. The report identifies a range of issues for commencing the review of the Class 4 Gambling Venues and TAB Board Venues Policy.
3. Council endorsement is sought for the recommended options and approaches to these issues.

## 4. Executive Summary

5. The Class 4 Gambling Venues Policy (controlling the location of electronic gaming machines) and TAB Board Venue Policy (controlling the location of stand-a-lone TAB venues) were reviewed in August 2013.
6. The Gambling Act was amended in September 2013 to introduce relocation provisions (Section 97A). This has created inconsistencies with the Class 4 Gambling Venues Policy.
7. The legislation requires relocation provisions to be considered 'the first time that a territorial authority commences a review of a policy after the Gambling (Gambling Harm Reduction) Amendment Act 2013 comes into force'.
8. Three options are identified in terms of relocation provisions; these are detailed in sections 37, 43 and 46 of the report.
9. Option 3, to retain the ability for gaming venues to relocate but modify the clause to restrict the situations where relocation could occur, is recommended.
10. A range of other updates are proposed ranging from simplifying the layout and language of the policy, updating the clause on merging clubs to better reflect the legislative requirements and the removal of detailed information on fees.
11. The TAB Board Venue Policy has only had minor changes since its development in 2004. It is considered timely to consider whether the cap of 1 venue per 30,000 population is still appropriate.
12. It is recommended that a new policy direction of 'no new TAB board venues' be tested with the community through the public consultation process.

13. The policies must be reviewed every three years (by August 2016). The use of the Special Consultative Procedure is legislatively required for both policies.
14. There is an opportunity to commence the review of these policies prior to 2016 and provide some certainty to staff administering gaming venue applications as well as gaming venue operators and societies.

## **15. Recommendations from Management - *Recommendation to Council***

- a) That the Report be received;
- b) That for the Class 4 Gambling Venues Policy, Council support Option 3 (to retain the ability for gaming venues to relocate but under more prescribed circumstance) in response to the requirement in section 97A of the Gambling Amendment Act 2013 and this be tested through the public consultation process;
- c) That Council support the general updating of the Class 4 Gambling Venues Policy including simplifying the layout and language of the policy, ensuring the clause on merging clubs appropriately reflects legislative requirements and the removal of detailed information on fees;
- d) That for the TAB Board Venues Policy, Council agrees to a 'no new TAB Board venues' approach and this be tested through the public consultation process; and
- e) That a Statement of Proposal reflecting Councils decisions be brought back to the 11 August Strategy and Policy Committee meeting for approval to commence public consultation.

## **16. Attachments**

17. Attachment 1 - Class 4 Gambling Venues Policy
18. Attachment 2 - TAB Board Venues Policy
19. Attachment 3 - Social Impact Assessment

## **20. Key Issues**

21. Background
22. Council's two gambling policies control the establishment and location of new Class 4 (meaning non-casino gambling machines) and stand-alone TAB (not including TAB kiosks or agencies in other venues) gambling venues in the city.
23. The policies specify whether new venues may establish, and if so under what circumstances, where they may establish, and in respect of Class 4 Gambling Venues specify any restrictions on the number of gambling machines that may be operated.
24. The policies also include procedural clauses on applications for venue consent and application information requirements.
25. On 4 July 2013, Council adopted a Statement of Proposal which included the proposed Class 4 Gambling Venue Policy, and the proposed Board (T.A.B) Venue Policy.
26. Over the 1 month consultation period, three hundred and fourteen (314) submissions were received in respect of the proposed Class 4 Gambling Venue Policy. Three (3) submissions were received in respect of the proposed Board (T.A.B.) Venue Policy. Council resolved to adopt the proposed policies with no changes.

27. On the 4 September 2013, the Flavell Bill (Gambling Harm Minimisation Amendment) received its third reading and was passed into law on 13th September 2013 several weeks after the Hamilton Class 4 Gambling Venue Policy hearings (22 August 2013).
28. One of the new requirements under the Act is for Councils to consider a relocation policy.
29. Section 97A states that

*“Despite section 100 (1)(b)(i), the maximum number of gaming machines permitted to operate at the new venue at the time when the new class 4 venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled”*

30. Class 4 Gambling Venues Policy

31. The key features of the Class 4 Gambling Venues Policy are:
32. A ‘sinking lid approach’ adopted in 2010, which means no applications for new venues may be lodged. There are however several exemptions:
- An existing venue is ‘rendered physically incapable of being reused’;
  - Merger of two or more clubs at a single venue;
  - An existing venue is closed as part of an application for a new venue consent (relocation).
33. There is a cap on number of machines per venue (9 machines) and restrictions on location:
- Within ‘gambling permitted area (specified commercial areas of the city);
  - Within a TAB board or on-license venue;
  - Not adjacent to other gambling venues, not adjoining a school or early childcare centre, and principle entrance not located within 100m (in a straight line) to any residentially zoned land or community facilities zoned land.
34. The Policy has a content considered as a relocation clause (section 5.2(ii)) which allows for ‘gambling venues’ to move from licenced venue to licenced venue.
35. Clause 5.2(ii) of the current policy states:

*“A new Venue Consent will only be issued by Council in the following circumstances:*

*(ii) where a society undertakes to permanently close an existing class 4 gambling venue as part of an application for a new Venue Consent and;*

- a. undertakes to surrender the existing venue licence for the venue that will cease to have gambling machines, and*
- b. can ensure to Council’s satisfaction that a new class 4 venue licence will not be able to be obtained by any society within 6 months of surrendering an existing venue licence under clause 5.2(ii)a, and*
- c. the application meets all other provisions of this policy.”*

36. A legal review provided by Tompkin Wake confirms that clause 5.2(ii) of the current policy falls within the definition of a “relocation policy” and that the provisions of section 97A of the Amendment Act apply immediately.
37. This means Council can no longer limit the number of gaming machines under these circumstances to just 9, the legislation prevails.
38. Council could consider 3 options in relation to this relocation clause:

**39. Retain /status quo (Option 1)**

40. The intention of the relocation clause in the current policy was to address social impacts in deprivation areas, that is to allow gambling venues that sit outside of the permitted area (7 gambling venues) to move into lower risk gambling permitted areas.
41. However, since the introduction of the policy in 2004, there has been no movement in these gambling venues.
42. Relocations under the policy (prior to the legislation changes) forced machine numbers down to 9 per venue. In retaining a relocation clause, Council would no longer achieve reduced machine numbers.
43. The last 3 applications to relocate have been granted under the new legislation. This has resulted in the number of machines remaining at 54 instead of reducing to 27.
44. While this provides flexibility provided to societies, there is no benefit to Council.

**45. Remove (Option 2)**

46. Without a relocation clause, gambling venues could not move from their existing locations. This would result in a true sinking lid.
47. This position was advocated for by a number of submitters in 2013 review but would likely be contested by gambling sector due to its limiting and restrictive nature.

**48. Retain and modify (Option 3) RECOMMENDED**

49. Some value is considered in retaining relocation provisions in the policy. However it is recommended that the situations where relocations could take place be limited to allowing gambling venues that sit outside of the permitted area to move into gambling permitted areas.
50. This will not result in a reduction in gambling venues but may produce some better location outcomes.
51. Other changes to the policy for consideration include:
  - Streamlining and simplifying the policy layout and language for better readability,
  - Change language for the merger of clubs to reflect legislation (merger must be to one of the existing club venues),
  - Update to reflect new governance structures,
  - Removing fees from policy.
52. TAB Board Venues Policy
53. Council's TAB Board Venues Policy only applies to TAB venues that are owned or leased by the NZRB.
54. Section 65D of the Act details what the policy may include. The policy must specify whether or not new Board venues may be established in the territorial authority district and, if so, where they may be located.
55. The key features of the TAB Board Venues Policy are:
56. The allowance for one TAB Board venue per 30,000 population (up to four Board Venues to establish in Hamilton at this current point in time).
57. Like the Class 4 Gambling Venues Policy, it only allows these venues in 'gambling permitted areas'.

58. The venue premises shall not adjoin any school, or early childhood centre and the principal entrance of the venue premises shall not be located closer than 50 metres (in a straight line) to any residentially zoned or community facilities zoned land.
59. The venue premises shall not be within 50 metres (in a straight line) of the principal entrance of any other board venue, or casino.
60. There are currently two Board Venues in Hamilton; Te Rapa TAB (618 Te Rapa Rd) and the Frankton TAB (20 King St).
61. There are a number of pub TABs operating out of licensed premises throughout the city. Under the legislation, these do not require Council consent and are not controlled by the Council Policy.
62. A change in policy direction is suggested to cap the number of TAB Board venues at the existing two e.g. no new board venues.
63. The rationale for this change is twofold:
  - there is already adequate access to race and sports betting facilities through the TAB agencies located throughout the city (that are not subject to the policy) and;
  - the areas where venues are likely to locate are in highly socially deprived areas scored 9-10 on the deprivation index and are therefore at higher risk of problem gambling.
64. In the recent TAB Board application for the Five Crossroads/Enderley area, the Racing Board described the low social economic area of Five Crossroads/Enderley site as a 'strategic' location.
65. Socioeconomic deprivation and ethnicity are closely related, with Maori and Pacific Islanders disproportionately more likely to live in more deprived areas. The Ministry of Health 'Portrait of Health' (2008) reports that, after adjusting for age, Maori and Pacific adults were more than three and a half times more like than adults in the total population to be problem gamblers.
66. This approach will likely be challenged by the Racing Board but from the recent Five Crossroads application and community consultation process, would be supported by local communities in lower social economic areas.
67. The current policy approach does not meet the concerns of all stakeholders, especially those in lower socio economic areas and applications for new venues result in time consuming issues of interpretation and public consultation.
68. Legislative requirements and consultation
69. The Class 4 Gambling Venues Policy and TAB Board Venues Policy are a requirement under the Gambling Act 2003 and Racing Act 2003 respectively.
70. In developing its policies, Council is also required under to consider the social impact of gambling within its district.
71. Existing research on the social impact of gambling has been collated (Attachment 3). This information supports the links between problem gambling and lower social economic areas and higher prevalence with Maori and pacific island populations.
72. Both policies are required to be reviewed every three years in accordance with the special consultative procedure.

**73. Financial and Resourcing Implications**

74. The cost of the review will be undertaken using existing budgets and will include consultation costs in order to meet the legislative requirement to use the Special Consultative Procedure.

**75. Risk**

76. There are no risks considered as a result of this report. The report seeks to obtain Council support for a range of policy positions to be tested through a community consultation process.

**Signatory**

Authoriser	Brian Croad, General Manager City Environments Group
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## CLASS 4 GAMBLING VENUE POLICY

The purpose of this policy is to state how Council will fulfil its legislative responsibilities pursuant to the Gambling Act 2003.

### CONTENTS

1. Policy Objectives and Scope
2. Strategic Alignment
3. Definitions
4. Principles of Policy
5. Policy Guidelines
6. Monitoring and Implementation
7. References
8. Schedules

### REVISION HISTORY

<i>Revision #</i>	<i>Policy Sponsor</i>	<i>Approval Date and date of next scheduled review</i>	<i>Council or Committee Decision</i>	<i># TRIM Reference</i>	<i>Related Operating Guidelines</i>
<b>1</b>	General Manager City Environments	22 August 2013 Review by August 2016	Council	D-1015398	None

1.1

## 1. POLICY OBJECTIVES AND SCOPE

The purpose of this policy is twofold:

- to provide for the continued availability of Class 4 gambling within Hamilton City in accordance with the purpose and intent of the Gambling Act 2003 and
- to encourage a decrease over time in the number of class 4 venues and gambling machines authorised in Hamilton city.

This policy applies to:

- All venues / societies wanting to increase the number of gambling machines able to be operated at any venue regardless of the date at which the venue operated gambling machines, and
- All new Class 4 gambling venues, and
- All venues established after 17 October 2001, and
- All venues for which no Class 4 venue licence has been held for the last 6 months.

## 2. STRATEGIC ALIGNMENT

This policy assists in the delivery of Councils outcomes and goals as follows:

PROSPEROUS AND INNOVATIVE	OUTSTANDING CITY LEADERSHIP	PEOPLE LOVE LIVING HERE
<ul style="list-style-type: none"> <li>▪ <b>Hamilton has a strong, productive economy and we build on our economic strengths.</b></li> <li>▪ <b>We have a thriving CBD.</b></li> <li>▪ <b>It's easy to do business here.</b></li> <li>▪ <b>Our city grows and prospers in a sustainable way.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The city is led by effective, open and responsive governance.</b></li> <li>▪ <b>Council's finances are sustainable for the long term.</b></li> <li>▪ <b>We operate efficiently and provide exceptional service.</b></li> <li>▪ <b>The city takes a leadership role regionally and nationally.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Hamilton embraces the Waikato River and it is the focal point of our city.</b></li> <li>▪ <b>We value, preserve and protect Hamilton's natural, green environment.</b></li> <li>▪ <b>Our city is attractive, well-designed and compact with outstanding architecture and distinctive public spaces.</b></li> <li>▪ <b>Our city is a fun place to live with a vibrant Arts scene.</b></li> <li>▪ <b>Hamilton is a safe city.</b></li> <li>▪ <b>It's easy to get around.</b></li> <li>▪ <b>We celebrate our people and many cultures.</b></li> </ul>

■ = primary contribution

## 3. DEFINITIONS

**Adjoin:** allotments either sharing one or more common boundaries or separated only by a road width or similar equivalent.

**Adjacent:** allotments sharing one or more common boundaries.

**Allotment:** a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:-

- i). the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
- ii). a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or

- b) any parcel of land or building or part of a building that is shown or identified separately:-
  - i) on a survey plan; or
  - ii) on a licence within the meaning of Part I of the Companies Amendment Act 1964; or
- c) any unit on a unit plan; or
- d) any parcel of land not subject to the Land Transfer Act 1952.

**APA:** the amenity protection area designated within a zone, as defined in the Hamilton City Operative District Plan (July 2012) or any subsequent amendments.

**CBD area:** the City Centre zone and Commercial Service zone surrounding the City Centre zone as shown in the CBD Area map, Schedule 2.

**Class 4 gambling venue (Venue):** a place located on one or more contiguous allotments at which gambling machines are located, or for the purposes of application at which it is proposed that gambling machines be located.

**Gambling machine:** refer to definition of 'Gaming Machine' in Gambling Act 2003.

**Place:** includes —

- a) a building, structure or tent whether fully or partly constructed; and
- b) a room in a building or structure; and
- c) a court or a mall; and
- d) land; and
- e) a vehicle, vessel, or aircraft; and
- f) a caravan or a trailer or other conveyance.

**Premises:** building in which a venue is located.

**Primary Activity:** the activity(s) primarily associated with and promoted by the venue.

**Private Club:** refer to definition of 'Club', and in this context meeting the criteria of operating as a club as defined in Section 65 (3), in the Gambling Act 2003.

**School/Licensed early childhood centre:** as defined in Sections 2 and 308 of the Education Act 1989 respectively.

**Society:** a corporate society as defined in the Gambling Act 2003 (including reference to Section 33), which has an operator's licence for Class 4 gambling machines.

**TAB Board Venues:** premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003 (the Act).

**Venue:** same meaning as Class 4 gambling venue.

**Zone:** an area of the city, defined as a zone in the Hamilton City Operative District Plan (July 2012) or any subsequent amendments.

#### 4. PRINCIPLES OF THE POLICY

- Council supports the purpose and intent of the Gambling Act 2003.
- Council recognises the CBD area of Hamilton City as the preferred locality for Class 4 gambling within the city

- Council seeks to avoid the establishment of Class 4 gambling activities in locations close to residential areas, or other identified sensitive land uses and/or the proliferation of Class 4 gambling venue strips or blocks within the city.
- Venue Consents will be limited to the relocation of a venue or to the merging of private clubs.
- Council encourages responsible gambling practices and attitudes in Class 4 gambling venues.
- Council will facilitate community access to information about the funds produced and distributed from Class 4 gambling within the city.
- Council will ensure as far as practicable that actual and reasonable costs relating to venue consent applications are borne by the applicant(s).

## 5. POLICY GUIDELINES

### 5.1 Exemptions from Meeting Parts of the Policy

- (i) Notwithstanding any other condition in this policy, where a legally established venue is required to apply for a venue consent at a new site because its existing site has been rendered physically incapable of being reused for the purpose of the venue (meaning a fire, earthquake or similar event), Council will consider the application under the venue policy for a venue consent, except that in relation to Section 5.3 of this policy, the consent shall allow for up to the number of gambling machines the venue was licenced for immediately prior to the cessation of activity. Where the society has ceased operating at any site under this part of the policy it must demonstrate that it has a current approval from the Secretary of Internal Affairs for the venue to remain inactive but licenced, under Section 71 (1)(g) of the Gambling Act 2003.
- (ii) Notwithstanding any other provisions within this policy, venues first established and licenced with the Department of Internal Affairs as class 4 gambling venues between 18 October 2001 and 19 September 2003, as identified in Schedule 1 of this policy are exempted from complying with:
  - Section 5.2,
  - Section 5.3 (i),
  - Section 5.5 (i) a,
  - Section 5.6 (i) and (iii),
  - Section 5.7 (i) to (ii),
  - Section 5.8 (iv) to (vi),

provided that the venue has not subsequent to 19 September 2003 had a period of six months or more where no society held a Class 4 venue licence for that venue.

### 5.2 Issuing of new venue consents

- A new Venue Consent will only be issued by Council in the following circumstances:
  - (i) where two or more private clubs undertake to merge and consolidate the operation of their class 4 gambling activities at a single venue and the application meets all other provisions of this policy;
- For clarity, depending on the proposed number of gambling machines to be operated, the merge of private clubs may or may not require Ministerial approval under Section 95 of the Gambling Act.
  - (ii) where a society undertakes to permanently close an existing class 4 gambling venue as part of an application for a new Venue Consent and;

- a. undertakes to surrender the existing venue licence for the venue that will cease to have gambling machines, and
- b. can ensure to Council's satisfaction that a new class 4 venue licence will not be able to be obtained by any society within 6 months of surrendering an existing venue licence under clause 5.2 (ii) a, and
- c. the application meets all other provisions of this policy.

### 5.3 Numbers of gambling machines to be allowed – per venue

- (i) Subject to meeting the other requirements of this policy, venues may operate up to a maximum of 9 gambling machines per venue.
  - (ii) Two or more private clubs which merge may consolidate the number of gambling machines being operated at the merged private club venue to the lesser of:
    - a. 24 gambling machines or
    - b. the sum of the number of gambling machines previously operated by each private club individually.
- For clarity, the merged private club must operate within a Gambling Permitted Area, but may operate outside the CBD. It is noted that the private clubs must first obtain Ministerial Consent under Section 95 of the Gambling Act 2003 to obtain a licence to operate up to a maximum of 24 gambling machines.

### 5.4 Primary activity of class 4 gambling venues

- To be considered for a venue consent under this policy, a venue must either:
  - (i) be a TAB Board Venue or,
  - (ii) be a venue with an 'on' or a 'club' liquor licence, or a permanent charter under the Sale and Supply of Alcohol Act 2012 and the primary activity of the venue shall be:
    - a. for sporting activities, or
    - b. for private club activities, or
    - c. for the sale of liquor, or for the sale of liquor and food, for consumption on the premises.

### 5.5 Areas of the city where class 4 gambling venues may be established

- (i) Class 4 gambling venues may only be established:
  - a. within the Gambling Permitted Area shown in Schedule 2, subject to meeting the other conditions of this Policy or
  - b. on land within the recreation major zone or recreation general zone as defined in the Hamilton City Operative District Plan (July 2012), subject to meeting the other conditions of this Policy, and the venue being a recognised sports or other recreational non-profit club operating as an incorporated society.
- (ii) Class 4 gambling venues may not be established on any land comprising the residential zone or in any community facilities zone, future urban zone, major facilities zone, recreation environment zone, as defined in the Hamilton City Operative District Plan (July 2012) or any subsequent amendments.

### 5.6 Restrictions on the location of venues and proximity to other activities

- (i) Venue premises located within the CBD Area shall not be adjacent to any other Class 4 gambling venue or casino
- (ii) Venue premises located outside the CBD Area shall not be within 50 metres (in a straight line) of the principal entrance of any other class 4 gambling venue or casino

- (iii) The venue place shall not adjoin any school, or licenced early childhood centre
- (iv) The principal entrance of the venue premises shall not be located closer than 100 metres (in a straight line) to any residentially zoned land or community facilities zoned land.

## 5.7 Other criteria

- Requirements applying to all locations:
  - (i) The applicant shall provide a declaration that the gambling area in a venue will not have a separate entrance, separate name, or otherwise seem to be separate from the primary activity of the venue.
  - (ii) The society applying for and/or operating a Venue Consent must supply Council, as and when reasonably requested, details of successful and unsuccessful grant applications in an agreed electronic format. Electronic details should include the name of the applicant club and/or individual applying, the amount sought, the amount granted, the applicant's address, and the purpose for which the funds will be applied.
  - (iii) The applicant must meet all relevant declaration, and fee requirements.

## 5.8 Applications for a venue consent (Contents of Application)

- Applications for a Venue Consent must be made on the approved form and must provide:
  - (i) Name and contact details for the application, including the society name, the venue trading name(s), any other name(s) related to the venue, and the venue operator's name(s),
  - (ii) Street address of premises proposed for the Class 4 venue,
  - (iii) A specific legal description with deposited plan where required clearly identifying the area where the venue is proposed to be located,
  - (iv) The names of key persons at the society and the venue,
  - (v) If not in the CBD area, a declaration certified by a registered surveyor that the distance to the nearest residentially zoned or community facilities zoned land, and to the nearest school, or registered early childhood centre or kindergarten, and to other Class 4 gambling venues, are not within the proximity conditions detailed in the policy,
  - (vi) Details of liquor licence(s) applying to the premises,
  - (vii) Other relevant information requested by the territorial authority.

## 5.9 Hearings process

### 5.9.1 Discretionary Provisions

- A hearings process will be instituted where an application:
  - (i) Does not comply with the provisions of Section 5.5 subsection (i) (a) insofar as the proposed venue is not located within the Gambling Permitted Area but is within an adjoining APA area of an industrial zone, and/or
  - (ii) Does not comply with Section 5.6 subsection (i), and/or

- (iii) Does not comply with Section 5.6 subsection (ii), and/or
  - (iv) Does not comply with Section 5.6 subsection (iii), and/or
  - (v) Does not comply with Section 5.6 subsection (iv).
- Notwithstanding this, where an application does not comply with any other provision in this Policy, the application will be declined.

#### 5.9.2 Process

- Venue consent applications received and identified as complying with all conditions and provisions of this policy, except one or more of the discretionary conditions, will be notified.
- Under this policy, the Statutory Management Committee (Committee) has delegated authority to appoint one or more Commissioners to the Committee for the purposes of this policy, and to conduct hearings and make decisions on applications at those hearings.
- A hearing date will be set, and submissions invited from affected parties and the public (see 'Notification').
- Submissions in writing shall be invited over a period of not less than 7 working days, with submitters invited to indicate if they wish to be heard on the hearing date.
- The Committee shall consider all submissions (written and oral), and shall make a decision (including reasons) on the application. The Committee's decision shall be final.
- The applicant and all submitters shall be advised of the decision, and the reasons for the decision, as soon as practicable.
- In considering any application and submissions, the Committee shall have regard to provisions of the Gambling Act 2003, the Objectives of this policy (see Section 1), and the criteria outlined for Hearings Considerations in this section.

#### 5.9.3 Notification

- Any venue consent application requiring a hearing shall be publicly notified as follows:
  - in the public notice section of a local newspaper circulating within the city, within 13 working days of receipt of the application
  - by way of a public notice displayed prominently in the window of the proposed venue for the period during which submissions are open
  - by the direct notification in writing of all owners and residents of any property where any part of that property is located within 100m of the subject site.

#### 5.9.4 Hearings Considerations

- The Committee would consider each application on its merits, judged against the following criteria:
  - (i) The extent to which the application meets the objectives of the Hamilton City Council Class 4 Gambling Venue Policy, and the purpose and intent of the Gambling Act 2003, and
  - (ii) That the extent to which an application that does not meet a discretionary provision is of minor (de minimis) effect, and
  - (iii) The extent of the potential impact on the character of the zoned area/ locality, and

- (iv) The potential cumulative effects of additional gambling in that locality, and
- (v) Whether the venue has reasonable potential to have a negative effect on the operation, amenity, or reasonable enjoyment of residential and/or sensitive land uses in the locality.

#### 5.10 Application fees

- (i) Where an application meets all of the criteria within the Venue Policy, and no hearing is required, a non-refundable fee of \$600 (inclusive of GST) must accompany an application for a venue consent, or the consent will not be granted. It is recommended that a society check an application for compliance with the policy, and whether gambling machines are available under the city cap, prior to submitting the application.
- (ii) Where an application does not meet all of the criteria within the Venue Policy, a deposit of \$1,400 must accompany the application for the application to be considered. In this event:
  - a. Charges will include actual and reasonable costs of processing the application, including but not limited to any notification, consultation, hearings, administration costs, legal costs, and inspection.
  - b. The deposit will be utilised to pay for costs and fees associated with the application, and any further costs or disbursements will be charged to the applicant in the event the deposit is all used up. Where applicable, any unused portion of the deposit will be refunded.
  - c. All fees and costs must be paid in full prior to a consent being issued.

## 6. MONITORING AND IMPLEMENTATION

The General Manager City Environments will monitor the implementation of this policy.

The policy will be reviewed every three years as required by the Gambling Act 2003, or at the request of Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

## 7. REFERENCES

Gambling Act 2003

## **SCHEDULE 1 – SITES IDENTIFIED FOR THE PURPOSES OF SECTION 4(II)**

Sites identified for the purposes of Section 4 (ii) of the Hamilton City Class 4 Gambling Venue Policy are:

- (i) 742 Victoria Street - Lot 1 DPS 5043 (currently known as 'Biddy Mulligans Irish Pub
- (ii) Shop 13 Chartwell Shopping Centre - PU12, DPS 76410 (currently known as 'Still Working')
- (iii) 236 Peachgrove Road - PUGZ, DPS 68671 (currently known as '5 Crossroads Sports Bar & Cafe').

## **SCHEDULE 2 – GAMBLING PERMITTED AREAS**

The Gambling Permitted Area is indicated by the grey shaded areas of the following maps:

- (i) Gambling Permitted Area – Northern Te Rapa
- (ii) Gambling Permitted Area – Southern Te Rapa
- (iii) Gambling Permitted area – Frankton Industrial
- (iv) Gambling Permitted Area – CBD
- (v) Gambling Permitted Area – Hamilton East
- (vi) Gambling Permitted Area – Frankton Commercial
- (vii) Gambling Permitted Area – Dinsdale
- (viii) Gambling Permitted Area – Claudelands
- (ix) Gambling Permitted Area – Chartwell

# Gambling Permitted Area — Northern Te Rapa



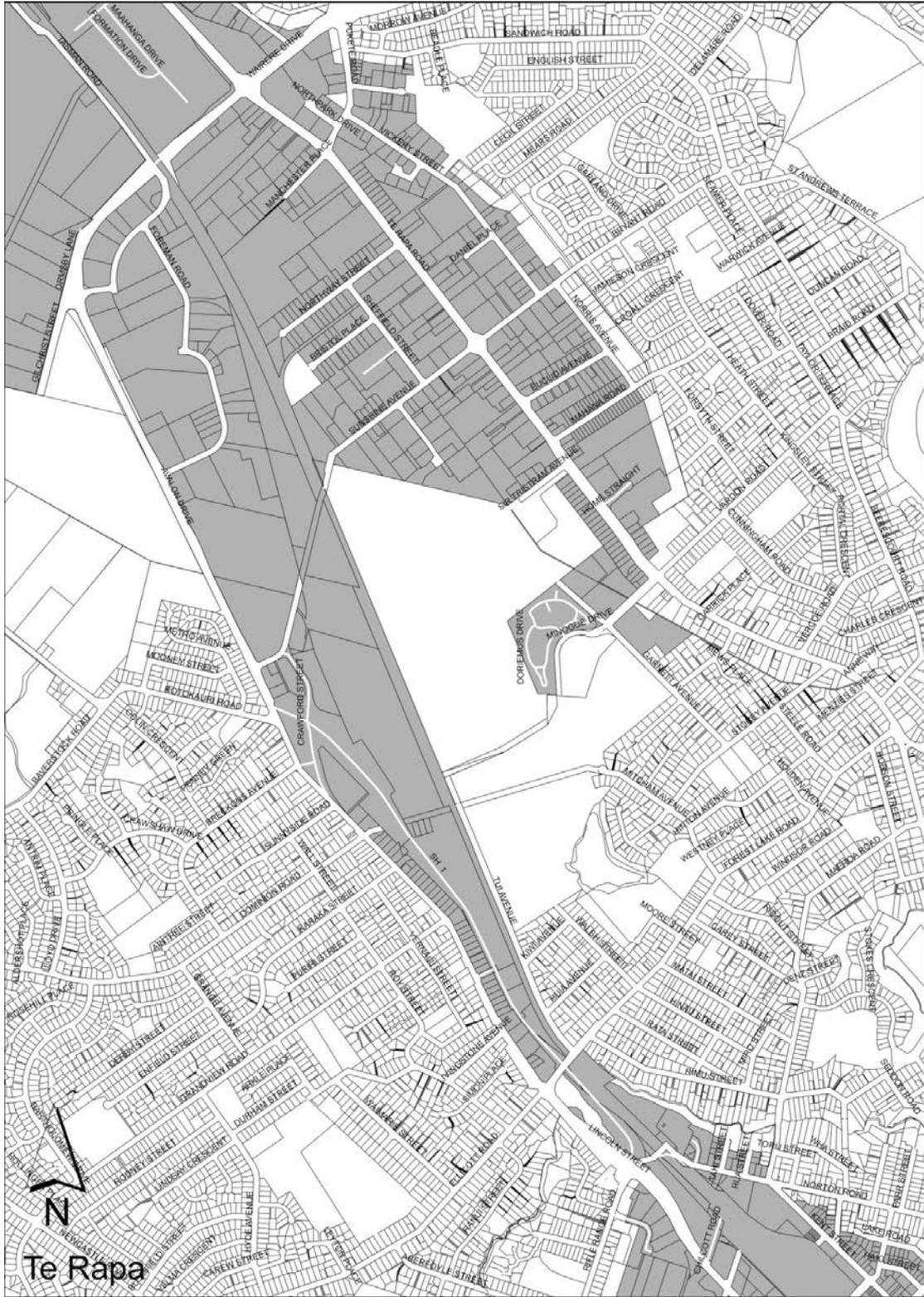
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Attachment 1

Gambling Permitted Area — Southern Te Rapa

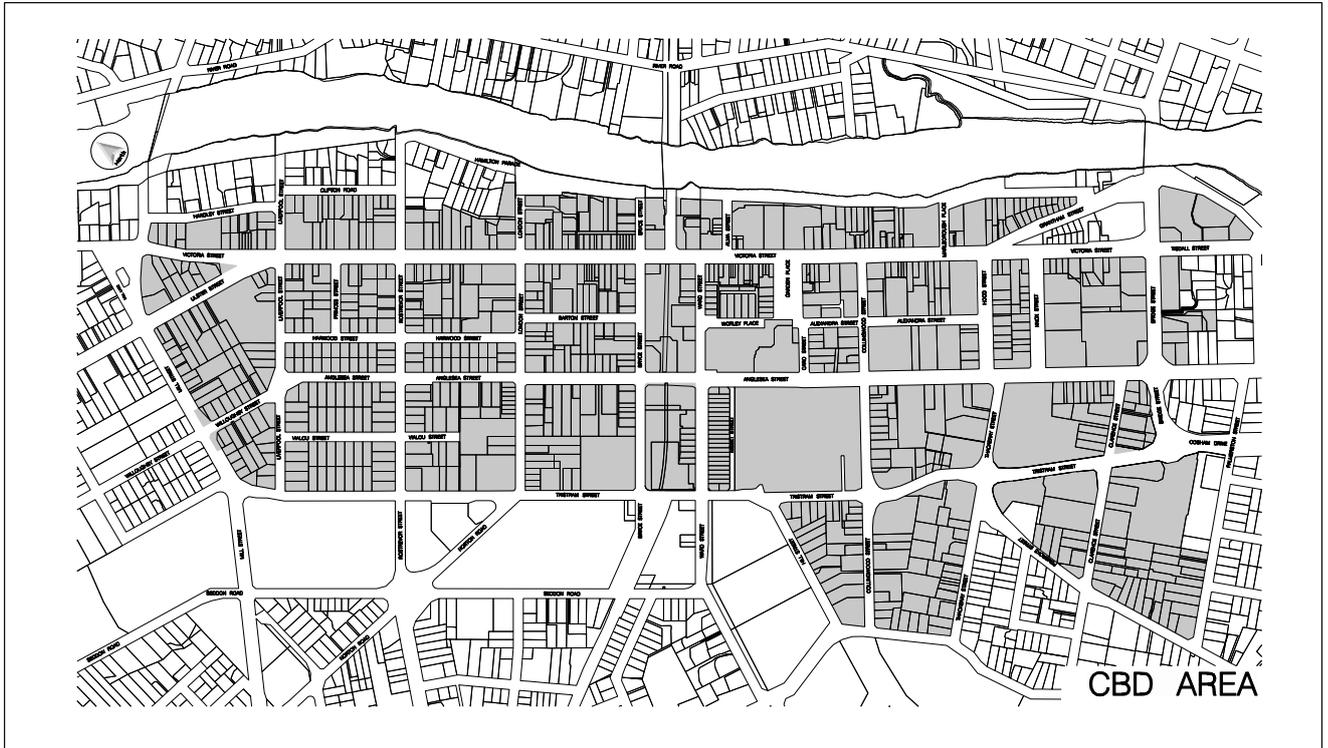
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Attachment 1





### Gambling Permitted Area — CBD



### Gambling Permitted Area — Hamilton East



# Gambling Permitted Area — Frankton Commercial



### Gambling Permitted Area — Dinsdale



# Gambling Permitted Area — Claudelands





### Gambling Permitted Area – Chartwell

Strategy & Policy Committee Agenda 7 July 2015- OPEN

## BOARD (T.A.B.) VENUE POLICY

The purpose of this policy is to state how Council will fulfil its legislative responsibilities pursuant to the Racing Act 2003.

### CONTENTS

1. Policy Objectives and Scope
2. Strategic Alignment
3. Definitions
4. Principles of Policy
5. Policy Guidelines
6. Monitoring and Implementation
7. References
8. Schedules

### REVISION HISTORY

<i>Revision #</i>	<i>Policy Sponsor</i>	<i>Approval Date and date of next scheduled review</i>	<i>Council or Committee Decision</i>	<i># TRIM Reference</i>	<i>Related Operating Guidelines</i>
<b>1</b>	General Manager City Environments	22 August 2013 Review by August 2016	Council	D-1015364	None

## 1. POLICY OBJECTIVES AND SCOPE

The purpose of this policy is to ensure the council and the community has influence over the location of new Board Venues in the city/district as well as to control the growth of gambling within the scope of the Act, while allowing those who wish to participate in sports or racing gambling to do so within the city/district.

This policy applies to:

- Any new Board (TAB) venues seeking to establish in the city.

## 2. STRATEGIC ALIGNMENT

This policy assists in the delivery of Councils outcomes and goals as follows:

PROSPEROUS AND INNOVATIVE	OUTSTANDING CITY LEADERSHIP	PEOPLE LOVE LIVING HERE
<ul style="list-style-type: none"> <li>▪ Hamilton has a strong, productive economy and we build on our economic strengths.</li> <li>▪ We have a thriving CBD.</li> <li>▪ It's easy to do business here.</li> <li>▪ Our city grows and prospers in a sustainable way.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The city is led by effective, open and responsive governance.</li> <li>▪ Council's finances are sustainable for the long term.</li> <li>▪ We operate efficiently and provide exceptional service.</li> <li>▪ The city takes a leadership role regionally and nationally.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hamilton embraces the Waikato River and it is the focal point of our city.</li> <li>▪ We value, preserve and protect Hamilton's natural, green environment.</li> <li>▪ Our city is attractive, well-designed and compact with outstanding architecture and distinctive public spaces.</li> <li>▪ Our city is a fun place to live with a vibrant Arts scene.</li> <li>▪ Hamilton is a safe city.</li> <li>▪ It's easy to get around.</li> <li>▪ We celebrate our people and many cultures.</li> </ul>

■ = primary contribution

## 3. DEFINITIONS

**Adjoin:** allotments sharing one or more common boundaries or separated only by a road width or similar equivalent.

**Allotment:** a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:-

- (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
  - (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- b) any parcel of land or building or part of a building that is shown or identified separately:-
- (i) on a survey plan; or
  - (ii) on a licence within the meaning of Part I of the Companies Amendment Act 1964; or

- c) any unit on a unit plan; or
- d) any parcel of land not subject to the Land Transfer Act 1952.

**Board venues (Venue):** premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003 (the Act). It is noted that the Act specifies that this policy does not apply to Board facilities that are part of another venue.

**Place:** includes –

- a) a building, structure or tent whether fully or partly constructed; and
- b) a room in a building or structure; and
- c) a court or a mall; and
- d) land

**Population Estimate:** The calculation of population shall be based on Statistics New Zealand June estimates for the city and will be applied to any Board venue number calculations on 1 February the following year, subject to being made publicly available by Statistics New Zealand.

**Premises:** Building in which a venue is located.

**School / Licensed early childhood centre:** As defined in Sections 2 and 308 of the Education Act 1989 respectively.

**Zone:** An area of the city, defined as a zone in the Hamilton City Operative District Plan (July 2012) or any subsequent amendments.

## 4. PRINCIPLES OF THE POLICY

- The community should have influence over the location of new Board (TAB) venues in the city.
- The number of Board (TAB) venues in the city should be based on a ratio relative to the city's population.
- Any new Board (TAB) venues should be located within specified areas of the city.

## 5. POLICY GUIDELINES

### 5.1 Numbers of Board venues to be allowed

- Hamilton city shall maintain a limit on the total number of board venues of not more than 1 board venue per 30,000 population. The cap shall be calculated annually on 1 February (or if 1 February is not a working day, the nearest subsequent working day) according to the above ratio and using the latest relevant population estimate.

### 5.2 Where board venues may be established

- Board venues may only be established within the Gambling Permitted Area shown in Schedule 1, subject to meeting the other conditions of this Policy.

### 5.3 Other Criteria

- Requirements applying to all locations:
  - (i) Signage on Board Venue sties may include corporate colours, logos, and signage, but not include details of individual gambling promotions.
  - (ii) The venue premises shall not adjoin any school, or licenced early childhood centre.
  - (iii) The principal entrance of the venue premises shall not be located closer than 50 metres (in a straight line) to any residentially zoned or community facilities zoned land.
  - (iv) The venue shall not be part of a place where another venue, a Class 4 venue or a casino is located.
  - (v) The venue premises shall not be within 50 metres (in a straight line) of the principal entrance of any other board venue, or casino.
  - (vi) Meeting application and fee requirements.

#### 5.4 Applications for a board venue consent

- Applications for territorial authority consent must be made on the approved form and must provide:
  - (i) name and contact details for the application, the venue trading name(s), any other name(s) related to the venue,
  - (ii) street address of premises proposed for the Board Venue,
  - (iii) a specific legal description with deposited plan where required clearly identifying the area where the venue is proposed to be located,
  - (iv) the names of management staff,
  - (v) evidence of the distance to the nearest residential and community facility zones, and to the nearest school, early childhood centre, kindergarten, place of worship, and to other gambling venues,
  - (vi) other relevant information requested by the territorial authority.

#### 5.5 Application fees

- A non-refundable fee of \$600 (inclusive of GST) must accompany an application for a venue consent, or the consent will not be granted. It is recommended that a society check an application for compliance with the policy, and whether machines are available under the city cap, prior to submitting the application.

## 6. MONITORING AND IMPLEMENTATION

The General Manager City Environments will monitor the implementation of this policy.

The policy will be reviewed every three years as required by the Racing Act 2003, or at the request of Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

## 7. REFERENCES

Racing Act 2003

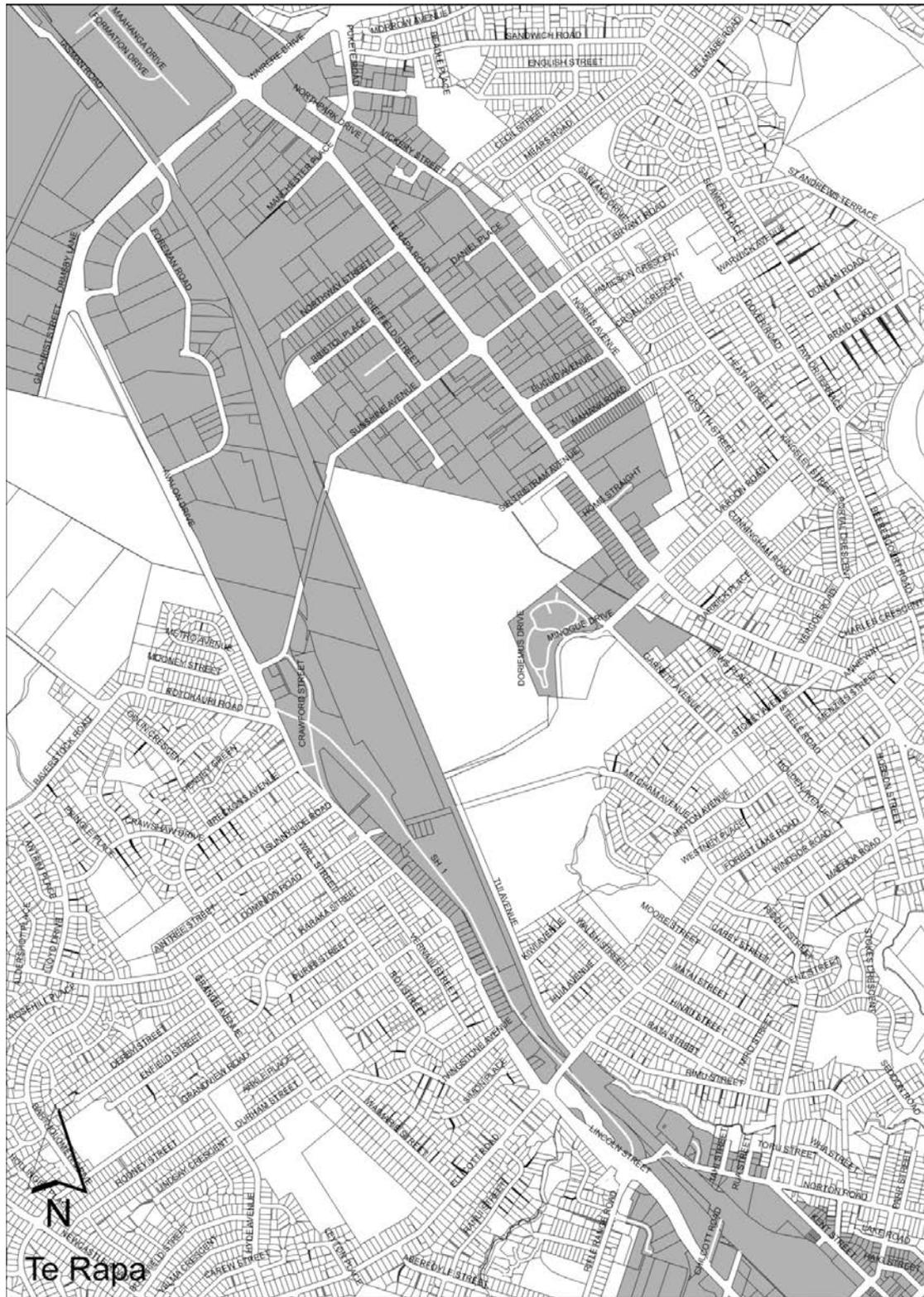
## 8. SCHEDULE 1 – GAMBLING PERMITTED AREA

The Gambling Permitted Area is indicated by the grey shaded areas of the following maps:

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- (ix) Gambling Permitted Area – Chartwell



# Gambling Permitted Area — Southern Te Rapa

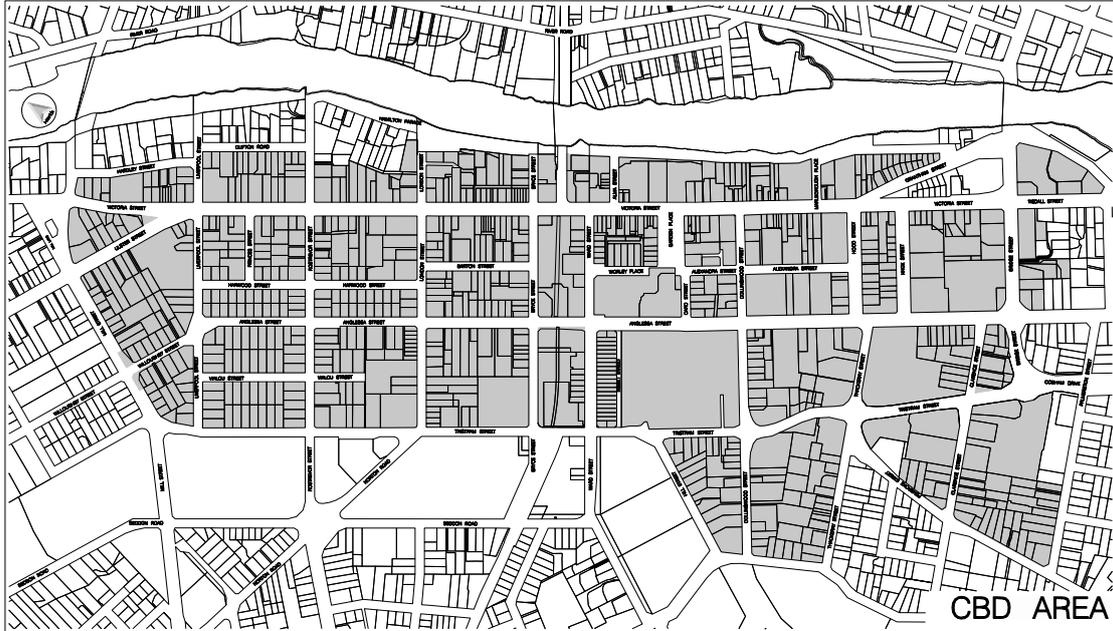


Item 11

Attachment 2



Gambling Permitted Area - CBD



Item 11

Gambling Permitted Area – Hamilton East



Attachment 2

Gambling Permitted Area – Frankton

Attachment 2  
Item 11



Gambling Permitted Area – Dinsdale



Item 11

Attachment 2

Gambling Permitted Area – Claudelands

Item 11

Attachment 2



# Gambling Permitted Area – Chartwell



Item 11

Attachment 2

## Social Impact of Gambling

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Gambling may be viewed as a form of entertainment but it can also result in harm.

Problem gambling a social and health issue in New Zealand that causes substantial problems for gamblers and the people around them, including their family, whānau, friends and work colleagues and the wider community.

A range of impacts and costs of excessive gambling include<sup>1</sup>:

- Impaired physical and mental health especially those related to chronic stress, depression and suicide
- Disruption of the family and interpersonal relationships
- Indebtedness
- Criminal offending
- Bankruptcy
- Productivity loss
- Impact on criminal justice system
- Distress of family
- Breakup, divorce or separation
- Violence
- Counselling services

Although a considerable amount of data on the social impacts of gambling exists from an international perspective, the evidence base for New Zealand particularly Hamilton is limited.

### New Zealand Context

The negative impacts of gambling are not exclusive to the problem gamblers themselves. Approximately one in forty people were negatively affected by other people's gambling<sup>2</sup>.

Gambling is popular in New Zealand with high rates of participation by international standards. It is estimated that approximately 10 per cent of New Zealanders are regular continuous gamblers involved in pokies, race betting or casino gambling while 90 per cent of those over the age of 18 have undertaken some form of gambling<sup>3</sup>. The Ministry of Health<sup>4</sup> cites various New Zealand surveys showing that a majority of adults in New Zealand gamble, with most who do gamble playing Lotto and a minority of adults (approx 10 per cent) playing

<sup>1</sup> Abbot, M.W. (2001) *What do we know about Gambling and Problem Gambling in New Zealand*: Report Number Seven of the New Zealand Gaming Survey. Wellington: Department of Internal Affairs.

<sup>2</sup> Ministry of Health (2012) *Problem Gambling in New Zealand. Preliminary findings from the New Zealand Health Survey (July 2011 to March 2012)* <http://www.health.govt.nz/system/files/documents/publications/problem-gambling-preliminary-findings.pdf>

<sup>3</sup> Abbot, M.W. (2001) *What do we know about Gambling and Problem Gambling in New Zealand*: Report Number Seven of the New Zealand Gaming Survey. Wellington: Department of Internal Affairs.

<sup>4</sup> Ministry of Health (2009) *Problem Gambling Resource for Local Government*. Wellington: Ministry of Health.

non-casino gaming machines, gambling in casinos or betting on horse or dog races or on sports events.

**Gambling expenditure in New Zealand has increased** from \$145 million in 1994 to \$20.91 billion in 2014<sup>5</sup>. Gaming machines proceeds as of July 2014 for Hamilton City is \$5.68 million<sup>6</sup>.

Ministry of Health's survey between 2011-2012 found that, half of all New Zealanders had gambled in the previous year. Out of these **more than half were female gamblers** (53.5 per cent)<sup>7</sup>.

**The prevalence of Maori gamblers was at 53.3 per cent**, while European/other were at 54.9 per cent. It should be noted that, this is a very high representation of Maori in the gambling statistics given that the percentage of Maori only makes up around one fifth of the entire population. Prevalence of Pacific people and Asian people were at 42.9 per cent and 37.3 per cent respectively<sup>8</sup>.

**Maori and Pacific people who gambled** were more likely to be at high risk of gambling problems than those in other ethnic groups<sup>9,10</sup>.

Table 1: Past-year gambling

	Prevalence (%)	Estimated number
Total population	52.1	1,833,000
Male	53.5	917,000
Female	50.7	916,000
Māori	53.3	237,000
Pacific	42.9	90,000
Asian	37.3	142,000
European/Other	54.9	1,506,000
15–24 years	32.4	208,000
25–44 years	55.5	647,000
45–64 years	60.8	678,000
65+ years	50.4	300,000

Source: July 2011–March 2012 NZHS, preliminary findings

<sup>5</sup> Figures and information from the Department of Internal Affairs website, accessed on 5 Feb 2015

[http://www.dia.govt.nz/diawebsite.nsf/wpg\\_URL/Resource-material-Information-We-Provide-Gambling-Expenditure-Statistics](http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gambling-Expenditure-Statistics)

<sup>6</sup> Information accessed from DIA website on 5 Feb 2014

[http://www.dia.govt.nz/pubforms.nsf/URL/GMPSeptember2014.pdf/\\$file/GMPSeptember2014.pdf](http://www.dia.govt.nz/pubforms.nsf/URL/GMPSeptember2014.pdf/$file/GMPSeptember2014.pdf)

<sup>7</sup> Ministry of Health (2012) Problem Gambling in New Zealand, *Preliminary findings from the New Zealand Health Survey (July 2011 to March 2012)* <http://www.health.govt.nz/system/files/documents/publications/problem-gambling-preliminary-findings.pdf>

<sup>8</sup> Ibid

<sup>9</sup> Ibid

<sup>10</sup> Ministry of Health, Department of Internal Affairs (2010) *Regulatory Impact Statement: Problem Gambling Levy 2010/11 – 2012/13*. Wellington: Ministry of Health.

**Ministry of Health states that electronic gaming machines and TABs are more likely to be located in more socioeconomically deprived areas<sup>1112</sup>.** 56 per cent of all non-casino gaming machines and expenditure occurred in census area units with deprivation decile rating of 8 or higher. Board(TAB) and New Zealand Lotteries Commission outlets were also concentrated in high-deprivation areas<sup>13</sup>.

**Socioeconomic deprivation and ethnicity are closely related, with Maori and Pacific Islanders disproportionately more likely to live in more deprived areas.** The Ministry of Health<sup>14</sup> report that, after adjusting for age, Maori and Pacific adults were more than three and a half times more like than adults in the total population to be problem gamblers.

The Francis group<sup>15</sup> **reports that key issues include continued overrepresentation of Maori and Pacific people among problem gamblers and linkages between more deprived areas and higher prevalence gambling opportunities and higher expenditure.**

Research also found that people living in neighbourhoods in high-deprivation areas are more exposed to gambling and are more likely to be problem gamblers and to suffer gambling-related harm than are people living in other neighbourhoods<sup>161718</sup>. Research findings also show that low-income groups spend proportionately more of their household income on gambling<sup>19</sup>. A disproportionate amount of gambling expenditure comes from problem gamblers.<sup>20</sup>

The proportion of New Zealanders who take part in gambling activities declined between 2002/03 and 2011/12, the largest decrease occurring between 2006/07 and 2011/12<sup>21</sup>. This decline in the proportion of the population who had gambled in the past year was primarily due to a reduction in recreational and low-risk gambling. **By contrast there was no change in rates of participation by a people with a moderate or high risk of gambling problems<sup>22</sup>.**

TAB racing and sports betting increased by 5.6 per cent from \$294 million to \$331 million. This increase was driven in large part by the TAB's biggest ever betting event, the Football World Cup 2014, which attracted 10,440 new customers.

<sup>11</sup> Ministry of Health (2006) *Problem Gambling Resource for Local Government*. Wellington: Ministry of Health

<sup>12</sup> Ministry of Health (2009) *Problem Gambling Resource for Local Government*. Wellington: Ministry of Health

<sup>13</sup> Ministry of Health, Department of Internal Affairs (2010) *Regulatory Impact Statement: Problem Gambling Levy 2010/11 – 2012/13*. Wellington: Ministry of Health.

<sup>14</sup> Ministry of Health (2008) *A Portrait of Health: Key Results of the 2006/07 New Zealand Health Survey*. Wellington: Ministry of Health.

<sup>15</sup> Francis group. (2009) *Informing the 2009 Problem Gambling Needs Assessment: Report for the Ministry of Health*.

<sup>16</sup> Health Sponsorship Council (2007) *2006/07 Gaming and Betting Activities Survey: New Zealander's knowledge, views and experience of gambling and gambling-related harm*, Auckland: Health Sponsorship Council.

<sup>17</sup> Ministry of Health (2008) *A Portrait of Health: Key results of the 2006/07 New Zealand Health Survey*. Wellington: Ministry of Health.

<sup>18</sup> Ministry of Health (2008). *Raising the Odds? Gambling behaviours and neighbourhood access to gambling venues in New Zealand*. Wellington: Ministry of Health.

<sup>19</sup> Abbot M, Volberg. R., (2000) *Taking the Pulse on Gambling and Problem Gambling in New Zealand: Phase one of the 1999 National Prevalence Survey*, report no. 3 of the New Zealand Gaming Survey. Wellington: Department of Internal Affairs.

<sup>20</sup> Productivity Commission (2009) *Gambling: Productivity Commission draft report*. Canberra: Common of Australia.

<sup>21</sup> Ministry of Health (2012) *Problem Gambling in New Zealand. Preliminary findings from the New Zealand Health Survey (July 2011 to March 2012)* <http://www.health.govt.nz/system/files/documents/publications/problem-gambling-preliminary-findings.pdf>

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NZ Lottery products rose 7.2 per cent from \$432 million to \$463 million, this is a continuation of the upward trend in Lotto sales since 2003.

Spending on gaming machines in pubs and clubs decreased by -2.2 per cent from \$826 million to \$808 million. This is a continuation of a downward trend in gaming machine expenditure since a peak in 2004, when expenditure reached \$1035 million<sup>23</sup>. This change downward trend could be attributed to the decline in the gambling activities of the recreational and low-risk gamblers.

### International context

Individuals with gambling problems often experience a range of other problems, including drug and alcohol and mental health problems in what are termed 'co-morbid relationships.

For example, the Australian Productivity Committee reported that around one in five severe problem gamblers suffers from alcoholism or other dependencies. Other studies have found similarly elevated rates of conditions such as alcoholism, drug addiction, mental health problems, homelessness and criminal behaviour. Because of this, it can often be difficult to disentangle the effects of gambling from those of a range of other factors. While problem gambling may exacerbate other dependencies, these in turn may exacerbate problem gambling. A verity of social impacts have been associated with problem gambling and these are reviewed here<sup>24</sup>.

#### Social and Personal Impacts<sup>25</sup>

1. The Australian Productivity Commission found that between five and ten people are affected by every individual who is a problem gambler, including spouses, children and other family members, friends, co-workers and employers as well as those involved in financial relationships.
2. The financial stress, lying and arguments that can develop around problem gamblers lead to significant pressure on families, with one in ten Australian problem gamblers saying that their behaviour had led to relationship breakdown, and one in ten of those in counselling admitting it had led to domestic violence.
3. Reduced familial stability and household income can also affect the children of problem gamblers, who may display behavioural problems and problems at school.
4. Other studies have borne out of these findings. For example, one found that the children of problem gamblers have a higher than normal involvement with addictive substances more psycho-social problem, and more problems at school with others. Wives of problem gamblers report higher than average rates of depression, verbal and physical abuse and suicide attempts.

<sup>23</sup> Ministry of Health (2012) Problem Gambling in New Zealand. *Preliminary findings from the New Zealand Health Survey (July 2011 to March 2012)* <http://www.health.govt.nz/system/files/documents/publications/problem-gambling-preliminary-findings.pdf>

<sup>24</sup> Findings reported from Reith,G.(2006) Research on The Social Impacts of Gambling. The Scottish Centre for Social Research (ScotCen). Scottish Executive Social Research: Glasgow. [http://www.gla.ac.uk/media/media\\_34552\\_en.pdf](http://www.gla.ac.uk/media/media_34552_en.pdf)

<sup>25</sup> Ibid

5. When individuals are preoccupied with ways in which to find the time and money to gamble, their work life tends to suffer, although the Australian evidence found the effects of this to be relatively slight.
6. Other studies have found that problem gamblers report higher than average incidences of job loss, and those who remain in work report lost productivity through lateness, non-attendance and preoccupation with gambling
7. Problem gamblers also tend to suffer greater ill-health than the general population, including conditions such as depressive moods, insomnia, anxiety, headaches and stomach problems, which may also contribute to absenteeism.
8. The Australian Productivity Commission found that around 60% of those with gambling problems indicated that they had suffered depression as a result of gambling
9. Another study of gamblers attending Gamblers Anonymous in the U.S revealed that 13% had attempted suicide, compared with 1.1 per cent for the general population.
10. As with many of the social and personal impacts involving gambling, casual relations can be difficult to establish here. For example, the Australian Productivity Commission point out, it may be the case that an individual is depressed, goes on a gambling binge with devastating financial consequences, and eventually considers suicide. Is gambling here the cause or an effect of initial depression? However, despite the complexities involved in disentangling the various contributory factors to such scenarios, the Commission concluded that the weight of evidence showed that gambling did have distinct effect, stating: 'In summary, there can be little doubt that there are suicides linked to gambling'

**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015  
**Report Name:** Strategic Round Up Report      **Author:** Loren Brown

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Future Proof Growth Strategy and Implementation Plan Mayoral Forum</i>
<b>Financial status</b>	<i>There is budget allocated</i>
<b>Assessment of significance</b>	<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 member 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 Mayor 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 a sub-regional level.
- The relatively mature collaborative arrangements of the Future Proof and UNISA partnerships are now being realised with successes of some key pieces of work, which have assisted in ensuring NZTA commitments to the Waikato Expressway, establishment of HPMV routes and aligned district plan outcomes to manage growth and infrastructure investment.
- In relation to Future Proof, the recently completed monitoring report, illustrates the implementation of the agreed settlement pattern will take time, but is moving in the right direction. Now with the Future Proof principles secured in the Proposed Regional Policy Statement, the mediation of appeals on the relevant district plans is also helping ensuring the collectively agreed position is being given effect to.
- Future planned work projects for UNISA and the proposed Future Proof update are looking carefully at cross boundary relationships and, in particular, the continuing growth of Auckland and its impacts.
- In response to the requirements of the Local Government Amendment Act 2014, the Future Proof Joint Implementation Committee recently agreed a new Terms of Reference. The terms of reference do not change the way in which the Committee operates, but is merely to ensure that the legislative requirements are met.
- It is recommended that this Terms of Reference is agreed by all Future Proof partners, including HCC.
- The business case on water, wastewater and stormwater service collaboration opportunities by Cranleigh was presented to Hamilton City Council, Waikato District and Waipa District

Councillors and iwi groups on 11 May 2015. On 16 June, Waikato District Council decided to support the principle of formation of a rate payer owned CCO, to manage water for the three councils. The report now requires consideration by the other councils.

## 11. Recommendations from Management - *Recommendation to Council*

- a) That the report be received
- b) That Council adopt the Future Proof Implementation Committee Agreement and Terms of Reference as contained in Attachment 2 and are signed on behalf of HCC.

## 12. Attachments

13. Attachment 1 - Future Proof Partner Councils - Joint Committee and TOR Report June 2015
14. Attachment 2 - Future Proof Agreement and Terms of Reference June 2015

## 15. Key Issues

16. Future Proof
17. One of the key drivers for the establishment of the Future Proof Growth Strategy and Implementation Plan was to support Central Government investment in the Waikato Expressway. The Strategy and the subsequent implementation through local and regional planning documents, has provided NZTA with confidence that long-term land use and transport integration is occurring in the sub-region.
18. The decision by NZTA in March 2015 to fund the remaining sections of the Expressway is therefore a considerable achievement for the Future Proof partnership as a whole.
19. Future Proof is involved in mediation proceedings on both the **Proposed Hamilton District Plan** and the **Proposed Waipa District Plan**. The focus of Future Proof, in both instances, is to support the Council's in upholding key Future Proof principles.
20. For HCC, these include implementing the centres hierarchy, ensuring that industrial land is not used for non-industrial purposes and supporting the Hamilton CBD. For Waipa, this is primarily about ensuring new residential and industrial development occurs in a planned and timely manner in recognized growth nodes.
21. In April, Future Proof and several Future Proof partners presented evidence to the Auckland Council on the Regional Policy Statement elements of the **Proposed Auckland Unitary Plan**. Although decisions on the PAUP are some way off, the submission points raised by Future Proof have been accepted particularly relating to the need for the PAUP to better consider cross-boundary issues to the south of Auckland.
22. A project plan was adopted by the Future Proof Implementation Committee on the 24 June, for an update to **Future Proof**. The update has a targeted focus and accordingly limited scope, as the principles behind the original strategy are still sound. It is not proposed to undertake a wholesale review of the whole document.
23. It is however, proposed to update the Strategy to incorporate the north Waikato (formerly part of Franklin District) to reflect the boundary change. There will also be a focus on the Southern Growth Corridor, including the Airport and the land use pressures on the interface between Waipa, Waikato and Hamilton City. The ongoing focus on rural residential development implications around Hamilton will remain a key issue for management.
24. The Future Proof Implementation Advisor and Independent Chair, and the partner staff, are working closely with the Waikato Plan team to ensure there is no duplication of effort.

25. The first **Future Proof Monitoring Report** is now available on the Future Proof website ([www.futureproof.org.nz](http://www.futureproof.org.nz)). This looks back on the first 4 years of implementation of the Strategy and analyses planning and development trends. The purpose of the monitoring is to test if the Strategy is being implemented as intended, and are the outcomes as expected.
26. The evidence shows that for the most part, development within Hamilton and Waipa District, is generally giving effect to the Future Proof settlement pattern. In Waikato District, the results still show issues with non-rural development within rural areas, although it is acknowledged there will be a time lag between development patterns, and the relevant plan changes and new District Plan regimes.
27. On the 29 April, the Future Proof Implementation Committee (FPIC) approved a new **Terms of Reference** to ensure compliance with Clause 30A of the Local Government 2002 Amendment Act 2014. There is a legislative requirement to comply with this clause by 8 August 2015.
28. The new clause 30A provides a specific statutory code for joint committees, including the need for participating bodies to enter into an agreement, specifying key aspects of the constitution and operation of the committee. As FPIC already has existing terms of reference, only a slight update is needed to meet the requirements of the new legislation.
29. A more detailed report from the Independent Chair of the FPIC is attached (attachment 1), this outlines why the four Future Proof Councils (HCC, Waipa DC, Waikato Regional Council and Waikato DC) and *tāngata whenua* are required to sign a new TOR. This report also covers the content of the TOR.
30. Attachment 2 is the new Future Proof Agreement and associated TOR which, if agreed, will need to be signed by Her Worship the Mayor on behalf of HCC prior to the 8 August 2015.
31. Waikato Plan
32. The Waikato Plan project, chaired by Margaret Devlin, is progressing and an update will be provided after the next Waikato Plan Joint Committee meeting on 24th July.
33. Upper North Island Strategic Alliance
34. UNISA has examined industrial land demand across the upper North Island. Industry preferences for industrial land; regulatory and charging regimes; and proposed a methodology for projecting future industrial land demand needs were all explored. The methodology has been tested via a Northland test case.
35. The completed study will be reported to UNISA Mayors and Chairs in August. This work will provide an approach supported by both planning and funding agencies.
36. A new **economic development project** will examine key industry sector trends and future labour force demand. It will build on previous work to identify emerging constraints and opportunities for growth of key sectors in the upper North Island economy. The work will also look at value chains for key industry sectors. The scope of this work was reported to the UNISA Mayors and Chairs in March. The work is expected to be complete by November this year.
37. The New Zealand Transport Agency highlighted the **success of the UNISA and NZTA Freight Story partnership** to the UNISA Mayors and Chairs in March. Work on the High Productivity Motor Vehicle routes, HPMV, has resulted in a full route now available from Whangarei to Wellington for vehicles with a 50 tonne capacity.
38. Auckland Council, Auckland Transport, and the Northland, Auckland, Waikato and Bay of Plenty regional transport committees worked together to produce a **shared upper North Island transport statement** for incorporation into their regional land transport plans. This statement signals the intent to continue to collaborate at an upper North Island scale to improve transport investment decision-making and transport outcomes.

*Mayoral Forum*39. Water and Wastewater services

40. Councillors from Waikato and Waipa District Council, iwi groups, along with Hamilton City Council, were briefed on 11 May 2015 on the Waikato Water Study and the outcomes of the report, which was commissioned by the three Councils.

41. This report, known as the Cranleigh Report, examined options for an enhanced shared service for managing water across the three Councils, and a Council Controlled Organisation model against the status quo model.

42. A copy of the report and all other information in relation to this study can be found at [www.waterstudywaikato.org.nz](http://www.waterstudywaikato.org.nz).

43. The Waikato District Council considered the report on 16 June 2015 and decided to support, in principle, the establishment of a ratepayer owned CCO to manage water on behalf of the three Councils. This support is subject to similar resolutions being made by Hamilton City and Waipa District Councils.

44. Waipa District Council held a workshop on 2 June 2015 to discuss the report and currently plan a further workshop mid-July with the Council to formally consider the report in August.

45. Following the Hamilton City Council workshop to discuss the report on 12 May 2015, staff intend to bring a report to 30 July 2015 Council meeting which will include responses to the questions raised at the workshop.

46. Local Authority Shared Services (LASS) Policy/Bylaw work stream – Phase II

47. The recently adopted Significance and Engagement Policy was an early output from this project (Phase I), with a standard policy template/content for all Council's to use.

48. In Phase II, LASS will create a standardised process for the high level review of council policies based on the process undertaken by HCC in April 2014.

49. This process has been shared with all participating councils. In addition to HCC, one other council has now completed the process, while most are in progress now that resources can be re-deployed from LTP processes.

50. It is hoped all will have a clear indication of what policies will be deleted and what requires review by the end of July 2015. This should result in a set of **streamlined policy manuals**.

51. The next step will be the development of a **policy review programme** with agreements as to which policies can be reviewed collaboratively and when.

52. Roading

53. No update to report.

54. Economic Development

55. An implementation plan to give effect to the Waikato Economic Development Strategy (known as 'Waikato Means Business') has been finalised. The implementation plan was presented to the Mayoral Forum in February 2015 (<http://www.mpd.govt.nz/waikatomayoralforum>)

Funding for the plan is through Waikato Regional Council as per their draft 2015-25 Long Term Plan.

56. Strategic Waters matters

57. Work is ongoing in relation to water matters in addition to the waters CCO work stream. The WRC have several significant projects underway in relation to a possible plan change dealing with water across the region. These projects are the 'Healthy Rivers' project and the possible development of a 'Strategy to maximize the opportunities for using Waikato Waters'. As these projects progress to a more advanced stage, further updates will be brought back to this Committee.
58. Future Proof has also carried out investigations to better understand the possible implications of the Auckland Watercare application to take water on the ability to deliver the Future proof growth strategy.

**59. Financial and Resourcing Implications**

60. There is allocated budgets for Future Proof, UNISA, and Mayoral Forum and waters projects for the 2014/15 year. Spending is on track.

**61. Risk**

62. The recommendation to approve and sign the new Future Proof Implementation Committee TOR relates to a legislative requirement. The risk of not signing the Agreement by the 8 August 2015 is that the Joint Committee will not be mandated under law to operate.
63. As the recommendation to approve and sign the new TOR does not change the way in which the Future Proof Implementation Committee operates, there is no new or identified risk in signing the document.

**Signatory**

Authoriser	Brian Croad, General Manager City Environments Group
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**REPORT TO:** Hamilton City Council (and other Future Proof Partners of Waipa District Council, Waikato District Council, Waikato Regional Council)

**FROM:** Bill Wasley  
Future Proof Implementation Committee Independent Chair

**MEETING DATE:** 7 July 2015

**SUBJECT:** Future Proof Implementation Committee – Agreement and Terms of Reference

## 1. PURPOSE

The purpose of this report is to provide each of the Future Proof partner councils with the Future Proof Implementation Committee (FPIC) draft agreement which is now required under the Local Government Act 2002 (LGA) along with updated terms of reference.

FPIC is a Joint Committee under Clause 30 of the LGA and has been established to implement the Future Proof sub-regional growth strategy.

It is important to note that there is no change to the way in which FPIC operates other than a requirement to comply with the recent LGA amendments.

## 2. BACKGROUND

The Local Government Act 2002 Amendment Act 2014 became law on 8 August 2014 and inserted a new Clause 30A in relation to joint committees. For established joint committees, Clause 5 of Schedule 1AA requires councils to enter into agreements that comply with Clause 30A within 12 months of the date of commencement of the Act, ie 8 August 2015.

The new Clause 30A provides a specific statutory code for joint committees. The most significant aspect of the new clause is the requirement for participating bodies to enter an agreement, specifying key aspects of the constitution and operation of the committee. The agreement must cover:

- the membership of the joint committee;
- processes for appointing the chair and deputy-chair;
- terms of reference;

- any delegations; and
- the process for amending the agreement.

The Future Proof Strategy already contains a terms of reference for the Future Proof Implementation Committee. These have been updated slightly and attached to the proposed agreement.

### 3. THE AGREEMENT

An agreement for the Future Proof Implementation Committee has been prepared and is attached to this report as **Appendix 1** along with updated terms of reference for Council sign off. The existing terms of reference in the Future Proof Strategy was used as the basis for the agreement. The FPIC has approved the attached agreement and terms of reference.

The agreement covers the purpose of the Committee, its membership, meeting frequency, delegations (taken from the existing terms of reference) and variations of the agreement. Attached to the agreement are the Committee's terms of reference from the Future Proof Strategy with the following additions:

- Overseeing any reviews or updates of the Future Proof Strategy.
- Approving submissions to Local Authorities, Central Government and other agencies on Future Proof related matters
- Champion integration and implementation through partner strategies, programmes, plans and policy instruments (including the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.
- Establish protocols to ensure that implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.

We have also made it clear in the terms of reference as well as in the agreement that the New Zealand Transport Agency is a member of the Committee to be represented through its Regional Director as an observer with speaking rights but in a non-voting capacity.

Each Future Proof partner that has voting members on the Committee (ie all four Councils and tāngata whenua) will need to sign the document.

### 4. RECOMMENDATIONS

**4.1 *That the report be received.***

**4.2 *That the attached Future Proof Implementation Committee Agreement and Terms of Reference be adopted and signed by the individual partner councils and that this action be conferred back to the Future Proof Implementation Committee.***

## Appendix 1: FPIC Agreement



### Future Proof Implementation Committee - Agreement

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#### Purpose

This Agreement is made pursuant to Clause 30, Schedule 7 of the Local Government Act 2002. The purpose is to provide for a joint Committee of Hamilton City Council, Waikato District Council, Waipa District Council, Waikato Regional Council and tāngata whenua to implement the Future Proof Strategy and Implementation Plan.

The Joint Committee has additional public body representation from the New Zealand Transport Agency (NZTA) through its Regional Director. The NZTA is an observer with speaking rights but in a non-voting capacity.

This Agreement is in addition to the existing Memorandum of Agreement contained in Section 10.1 of the Future Proof Strategy.<sup>1</sup> The Memorandum of Agreement in the Future Proof Strategy covers the principles and approach to implementation between the Strategy partners, including how the parties will work together. This Agreement focuses on the Joint Committee, including its membership and delegations.

The joint Future Proof Implementation Committee has been established to implement the Future Proof Strategy and Implementation Plan in accordance with the functions as set out in the Terms of Reference attached to this Agreement as **Appendix 2**. These Terms of Reference replace those contained in Section 10.2.2 of the Future Proof Strategy.<sup>2</sup>

The Committee is a formal joint committee pursuant to the Local Government Act 2002 (Clause 30, Schedule 7). The Committee will be discharged at the point of the next election period (in line with Clause 30(7) of Schedule 7).

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<sup>1</sup> Future Proof Strategy & Implementation Plan, 2009, at pages 171-174

<sup>2</sup> Future Proof Strategy & Implementation Plan, 2009, at page 176

## Membership

The Future Proof Implementation Committee is to be comprised of two elected member representatives as appointed by the local authorities, including the Mayors and Regional Council Chairperson, and two representatives to be nominated by tāngata whenua.

An Independent Chairperson is to be appointed by the Future Proof Implementation Committee to chair the Committee. The Independent Chairperson has speaking rights and voting capacity. A Deputy Chairperson is also to be appointed by the Committee from the existing membership.

The standing membership of the Committee shall be limited to eleven members (including the Independent Chairperson), but with the power to co-opt up to a maximum of two additional non-voting members where required to ensure effective Future Proof implementation.

The NZTA is to be represented through its Regional Director as an observer with speaking rights but in a non-voting capacity.

In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Committee shall be six voting members.

Voting member organisations may appoint one alternate representative with full speaking rights and voting capacity who may attend meetings in place of any one of the appointed representatives. Non-voting member organisations may send alternates, who shall have speaking rights, however these do not need to be appointed.

Other representatives of voting and non-voting organisations are permitted to attend meetings of the Committee; however attendance at any public excluded session shall only be permitted with the prior approval of the Chairperson. Likewise, speaking rights of other representatives at Committee meetings (whether in public session or not) shall only be granted with the prior approval of the Chairperson.

## Meeting Frequency

Bi-monthly, or as necessary and determined by the Independent Chairperson.

Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987.

## Delegations

The Future Proof Implementation Committee is delegated the following functions in support of its overall purpose:

- Overseeing the implementation of the Future Proof Strategy, in particular the strategy actions.
- Ensuring organisation systems and resources support the strategy implementation.

- Taking responsibility for progressing those actions specifically allocated to the “Future Proof Implementation Committee” in the strategy and making sure the implementation does occur.
- Monitoring and reporting progress against milestones.
- Overseeing any reviews or updates of the Future Proof Strategy.
- Approving submissions to Local Authorities, Central Government and other agencies on Future Proof related matters
- Overseeing the management of the risks identified in implementation.
- Reviewing and recommending adjustments to the strategy if circumstances change.
- Identifying and resolving any consultation inconsistencies between the Future Proof strategies and subsequent public consultation processes of the partner Councils.
- Facilitating consultation with the community.
- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.
- Implementing a Memorandum of Agreement, as adopted by the Committee for each triennial period, to provide and maintain partnership relationships and provide for the resolution of any conflict
- Champion integration and implementation through partner strategies, programmes, plans and policy instruments (including the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.
- Establish protocols to ensure that implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.

#### **Variation of this Agreement**

This agreement may be varied from time to time, but only with the endorsement of the Future Proof Implementation Committee.

**Execution**

**Hamilton City Council by:**

Mayor

Dated

**Waikato District Council by:**

Mayor

Dated

**Waipa District Council by:**

Mayor

Dated

**Waikato Regional Council by:**

Chairperson

Dated

**Item 12**

Tainui-Waka Alliance by:

Dated

Nga Karu Atua o te Waka by:

Dated

**Attachment 2**

## Appendix 2: Future Proof Implementation Committee Terms of Reference<sup>3</sup>

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### Future Proof Implementation Committee (FPIC)

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<b>Purpose:</b>	<p>Pursuant to Section Clause 30 Schedule 7 of Government Act 2002, a joint Committee of Hamilton City Council, Waikato District Council, Waipa District Council, Waikato Regional Council and tāngata whenua be retained to implement the Future Proof Strategy and Implementation Plan. The joint Future Proof Implementation Committee be delegated authority to implement the Future Proof Strategy and Implementation Plan in accordance with the following functions:</p> <ul style="list-style-type: none"> <li>▪ Overseeing the implementation of the Future Proof Strategy in particular the strategy actions.</li> <li>▪ Ensuring organisation systems and resources support the strategy implementation.</li> <li>▪ Taking responsibility for progressing those actions specifically allocated to the “Future Proof Implementation Committee” in the strategy and making sure the implementation does occur.</li> <li>▪ Monitoring and reporting progress against milestones.</li> <li>▪ Overseeing any reviews or updates of the Future Proof Strategy.</li> <li>▪ Approving submissions to Local Authorities, Central Government and other agencies on Future Proof related matters</li> <li>▪ Overseeing the management of the risks identified in implementation.</li> <li>▪ Reviewing and recommending adjustments to the strategy if circumstances change.</li> <li>▪ Identifying and resolving any consultation inconsistencies between the Future Proof strategies and subsequent public consultation processes of the partner Councils.</li> <li>▪ Facilitating consultation with the community.</li> <li>▪ Selecting and appointing an Independent Chairperson and a Deputy Chairperson.</li> <li>▪ Implementing a Memorandum of Agreement, as adopted by the Committee for each triennial period, to provide and maintain partnership relationships and provide for the resolution of any conflict</li> <li>▪ Champion integration and implementation through partner strategies, programmes, plans and policy instruments (including the</li> </ul>
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<sup>3</sup> These Terms of Reference replace those contained in Section 10.2.2 of the Future Proof Strategy.

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Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.

- Establish protocols to ensure that implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.

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**Membership:**

That representation be comprised of two elected member representatives as appointed by the contributing authorities, including the Mayors and Regional Council Chairperson, and two representatives to be nominated by tāngata whenua.

That an Independent Chairperson, to be appointed by the Committee, chair the Committee.

That the standing membership be limited to eleven members, but with the power to co-opt up to a maximum of two additional non-voting members where required to ensure the effective Future Proof Strategy implementation.

That NZTA be represented through its Regional Director as an observer with speaking rights but in a non-voting capacity.

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**Meeting frequency:**

At least bi-monthly.

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**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015  
**Report Name:** Regional Operations Roundup Report      **Author:** Robyn Denton

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Various</i>
<b>Financial status</b>	<i>Not applicable – for information only</i>
<b>Assessment of significance</b>	<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

- An update on key issues discussed at the Waikato Regional Transport Committee, the Hamilton Public Transport Joint Committee, and the Waikato Civil Defence Emergency Management Joint Committee are outlined in the report.

## 3. Recommendation from Management

That the Report be received.

## 4. Attachments

- There are no attachments for this report.

## 6. Key Issues

- [Waikato Regional Transport Committee](#)
- The agendas and minutes of each of the meetings can be found using the following link:  
<http://www.waikatoregion.govt.nz/Community/Whats-happening/Council-meetings/Agendas-and-minutes-for-council-and-standing-committees-from-28-November-2013/Transport/>
- The following are key aspects of the meeting held on 8 June 2015  
***One Network Approach and Network Operating Framework***
- An overview of the One Network Approach for transportation activities within the city that has been adopted by Hamilton City Council, Waikato Regional Council and the NZ Transport Agency senior leadership team was provided.
- A presentation on the work that has been completed to date on the Network Operating Framework for the city was provided and was based upon the report that had previously been presented to the Transport Agency’s Value Assurance Committee earlier this year. A copy of that report was circulated to Councilors on 19 May 2015 for information.

12. The Network Operating Framework is a process which enables collaborative discussions and links strategic intent with operational and planning decisions. It is a joint stakeholder, round table, workshop based process which helps the partners identify what priorities they wish to assign to each transport mode at various times of the day and operating gaps in the network based on strategic outcomes and considers how best to close those gaps.

***Regional Speed Management Governance Group***

13. Councillor Tooman is the City's representative, and chair of the Regional Speed Management Governance group.
14. The Regional Speed Management Governance and Steering groups held a workshop with the National Speed Management team in May 2015 to develop a better understanding of the national speed management programme and to discuss alignment of the two programmes going forward.
15. Further information on the national Safer Speeds programme can be found via the following link: <http://www.saferjourneys.govt.nz/assets/safer-speeds-programme.pdf>. A summary A3 document is also available which sets out the framework of travel speeds that are safe and appropriate for the road function, design, safety and use and is based upon the One Network Road Classification: <http://www.saferjourneys.govt.nz/assets/Safer-Speeds-ProgrammeA3-Summary.pdf>
16. Key workstreams in the national programme are:
- Speed Management Guide development to give best practice guidance on implementing the framework
  - Speed Limits Rule review to align to reflect the One Network framework of safe and appropriate speeds
  - Communications campaign to change the conversation on speed
  - Review of the penalty regime including provision for demerit points on safety camera offences
  - Encourage and support Police to reduce the current speed enforcement threshold.
17. Work is now underway for developing a regional plan with guidance and support from the NZTA national working groups. The regional plan will be supported by a business case with investment and phasing of delivery being included within the scope.
18. Hamilton Public Transport Joint Committee
19. The Hamilton Public Transport Joint Committee objective is to oversee the implementation and monitoring of the Regional Public Transport Plan. Hamilton City is represented on this committee by Councillors Forsyth and Tooman.
20. The agendas and minutes of each of the meetings can be found using the following link: <http://www.waikatoregion.govt.nz/Community/Whats-happening/Council-meetings/Agendas-and-minutes-for-council-and-standing-committees-from-28-November-2013/Public-Transport/>
21. The Waikato Regional Public Transport Plan (RPTP) for 2015-25 was adopted by the Waikato Regional Council on 26 March 2015 following an extensive and robust consultation process that involved the Hamilton City Council, other key regional transport partners (Including the NZ Transport Agency), public transport operators, community interest groups and the general community.

***Regional Public Transport Plan Implementation***

22. In order to deliver the strategic goal and priorities outlined in the RPTP, the plan has identified a suite of policies and actions to guide the development and management of the public transport in the region over the next 10 years.

23. The key identified policy focus areas are:
- Network and Service Provision
  - Fares and ticketing
  - Branding and Marketing
  - Aligning services, infrastructure and land use
  - Procurement and contract management
  - Funding and investment.

24. An indicative implementation timeline for each of the actions from the RPTP, along with approximate timeframes that information is likely to be brought to and recommendation sought from the Joint Committee was tabled, and is set out below:

**Policy Focus Area 1 - Network & Service Provision**

Key Actions	Indicative Timeframe					Next Committee Update
	2015	2016	2017	2018	2019	
Implement revised bus network						This Report
Service performance review - six monthly.						Sep 2015
MoE school bus review						Sep 2015
Implement special events policy						This Report

**Policy Focus Area 2 - Fares & Ticketing**

Key Actions	Indicative Timeframe					Next Committee Update
	2015	2016	2017	2018	2019	
Comprehensive fare structure review						Sep 2015
Implement new ticketing system – buses						This Report
Investigate ticketing system – total mobility						Dec 2015
Annual fare level review						Mar 2016

**Policy Focus Area 3 - Branding & Marketing;**

Key Actions	Indicative Implementation Timeframe					Next Committee Update
	2015	2016	2017	2018	2019	
Review BUSIT branding and application						Dec 2015
Specify vehicle branding requirements						Dec 2015
Develop and annually review marketing plan						Sep 2015

#### Policy Focus Area 4 – Aligning Services, Infrastructure & Land Use

Key Actions	Indicative Implementation Timeframe					Next Committee Update
	2015	2016	2017	2018	2019	
Implement - Network Operating Framework						Dec 2015
Develop joint PT - infrastructure plan						Dec 2015
Upgrade real-time passenger info system						Mar 2016

#### Policy Focus Area 5 – Procurement & Contract Management

Key Actions	Indicative Implementation Timeframe					Next Committee Update
	2015	2016	2017	2018	2019	
Develop and procure new bus contracts						Sep 2015

#### Policy Focus Area 6 - Funding & Investment

Key Actions	Indicative Implementation Timeframe					Next Committee Update
	2015	2016	2017	2018	2019	
Investigate alternative funding sources						Mar 2016
Investigate integrated pricing policies						Mar 2016

25. The Comprehensive fare structure review is a significant action and Waikato Regional Council staff have indicated that they are currently developing an engagement process that will accommodate Hamilton City Council and other stakeholders.

#### **Improved ticketing system**

26. The Waikato Regional Council is working with eleven other regional councils and the NZ Transport Agency to procure and implement a new integrated ticketing system for the bus network.
27. Indicative timeframes for key project milestone are:
- Tendering – July to September 2015
  - System build – late 2015 to late 2016
  - Implementation in the Waikato – early 2017
28. Project implementation has been delayed slightly due to additional time being required for the Agency to build the national ‘back office’ system and ensure that the system can integrate with the regional ticketing devices.

#### **Operational Activities**

29. At the 3 June 2015 Joint Committee meeting (and subsequently advised to Councilors on 10 June 2015) a correction to the patronage data reporting that had previously been provided by Waikato Regional Council was made following the completion of an audit.
30. The error was due to double counting of urban Supergold Card trips (from October 2008) and the inclusion of smartcard issues and top-ups as boardings. It was possible for the error to occur because of a complex method of manually aggregating data from various sources.

31. The error related purely to an over reporting of passenger numbers, it has not impacted revenue or Farebox recovery position of the Public Transport Services.
32. The audit recommended a number of improvements that could be made to the reporting system to correct the identified errors and significantly reduce the likelihood of further errors being made in the future. The recommendations are currently being implemented by the Waikato Regional Council and an improved reporting system will become operational during June 2015.

***Introduction of new routes***

33. The Hamilton public transport network has been comprehensively reviewed over the last two years and a key finding was that there was an oversupply of services in some areas of Hamilton, and a lack of supply within others e.g. the northern suburbs. This information was included in the development of a revised network in the Regional Public Transport Plan.
34. The network changes will be implemented in two phases during 2017 and 2018 to align with the tendering and commencement of new bus service contracts.
35. Early consideration is being given to the viability of phasing in service improvement to the city's northern suburbs ahead of the current implementation timeframe of 2018. A business case and implementation plan will be tabled at the next Joint Committee meeting in September 2015.

***Infrastructure and Land Use Activity***

36. Completion of the new public transport facilities at the Waikato Hospital which included the provision of accessible kerbs, new bus shelters and associated improvements to the pedestrian crossing facilities were noted amongst other improvements throughout the city.
37. Discussions are continuing with the Waikato University and WINTEC in regard to student fare concessions.
38. Waikato Civil Defence Emergency Management Joint Committee

***Training in the Hamilton Community***

39. Hamilton City Council employs two dedicated Emergency Management Advisors tasked with the roles of Engagement (Community liaison and training) and Operations (technical planning and procedures). Through the recent exit of the Advisor responsible for Engagement, the role has been revised, reduced to 30 hours per week and has been filled on a fixed term basis by Lavelle Stuart. Lavelle joins us with a teaching and training background and has been given the mandate of proactive communications and subsequent training/presentations with the groups that make up the Hamilton community in order to continue to raise emergency management awareness and profile.
40. The first phase of this work is focused on schools and early childhood centres. This is one of the largest and diverse sectors of the community groups and up to three presentations are currently being made per day, every day.
41. Phase two which commences in July will focus on small local business preparedness via the promotion of business continuity planning. This is the practice of identifying and prioritising the dependencies a small business has to maintain in its day to day running and recognising alternative arrangements, for instance suppliers of stock, so that the impact to the business is minimal in an event.
42. Interaction with the key community groups within Hamilton that are members of the Local Welfare/Community Response Planning Group which includes Maori Wardens, Rotary, Lions and Neighbourhood Support continue on a very regular basis.

43. At the time of writing this report, the minutes from the 8 June Joint Committee have not yet been uploaded <http://www.waikatoregioncdemg.govt.nz/About-Us/Joint-Committee-Agendas/>

**Signatory**

Authoriser	Chris Allen, General Manager City Infrastructure Group
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**Committee:** Strategy & Policy Committee

**Date:** 07 July 2015

**Report Name:** Waikato Expressway

**Author:** Christopher Barton

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	
<b>Financial status</b>	<i>There is budget allocated Amount \$9,778,000</i>
<b>Assessment of significance</b>	<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. To seek approval for the Chief Executive to enter into a Memorandum of Understanding (MOU) between Hamilton City Council (HCC), the New Zealand Transport Agency (NZTA), Waikato District Council (WDC) and Tainui Group Holdings Ltd (TGH) for the development of the Hamilton section of the Waikato Expressway.
3. To seek approval for a revised macro scope approval of the Resolution Drive Extension project following further public consultation.

## 4. Executive Summary

5. Council was advised through the 8 April 2015 Strategy and Policy Committee meeting that a MOU setting out respective responsibilities for delivery of the Waikato Expressway would be brought back to the Strategy and Policy Committee followed by a Multi Party Funding Agreement (MPFA) to the Finance Committee defining cost responsibility for the Resolution Drive interchange and Resolution Drive extension.
6. NZTA expect to award a contract to construct the Hamilton section of the Waikato Expressway by 1 October 2015 and wish to enter into a MOU with its key stakeholders prior to tender award that reflects previous discussions and agreements and sets out the respective responsibilities of each party.
7. Staff have also proposed that NZTA deliver the City's Resolution Drive extension project as part of the Waikato Expressway and a further report will be brought to the 23 July 2015 Finance Committee meeting proposing a MPFA to give effect to this. This also needs to be resolved prior to NZTA awarding a contract.
8. The only change proposed in this report from previous reports to Council relates to the macro scope of its Resolution Drive extension project where a roundabout connection between Kay Road and Resolution Drive has previously been proposed.
9. Following further consultation and analysis it is proposed to not have this connection and to instead ensure that the Borman Road arterial is completed by the time of completion of the Waikato Expressway.

## 10. Recommendations from Management - *Recommendation to Council*

- a) That the Report be received;
- b) That Council delegate's approval to the Chief Executive to enter into a Memorandum of Understanding with the New Zealand Transport Agency (NZTA), Waikato District Council (WDC) and Tainui Group Holdings Ltd (TGH) for the development of the Hamilton section of the Waikato Expressway as set out in this report and included as Attachment 2;
- c) That Council agrees to revise the macro scope of its Resolution Drive project to not include a vehicular connection between Resolution Drive and Kay Road west and to instead complete the Borman Road west extension to Kay Road as shown on Attachment 3 to this report;
- d) That Council approves in principle NZTA undertaking the construction of HCC's Resolution Drive extension project subject to reporting back on the financial details in the form of a Multi Party Funding Agreement (MPFA) to the 23 July 2015 Finance Committee meeting.

## 11. Attachments

12. Attachment 1 - 2015- NZTA Expressway Connections
13. Attachment 2 - Waikato Expressway Hamilton Section - Draft Memorandum of Understanding
14. Attachment 3 - Resolution Drive Extension - Concept Plan

## 15. Key Issues

16. Background
17. Following the report to Strategy and Policy Committee on 8 April 2015 Council resolved to support the connection principles for the Waikato Expressway as set out in Attachment 1 to this report.
18. Council also noted that NZTA proposed to exclude the Osborne Road over bridge and to mitigate its exclusion by providing in consultation with the affected community, good quality walking and cycling facilities on Reynolds Road and Resolution Drive and to work with Council to incorporate a roundabout at the intersection of Resolution Drive and Kay Road.
19. In relation to this, Council approved the macro scope of its Resolution Drive extension project which included the roundabout connection. Committee were advised however that the local community had concerns over the safety aspects of additional traffic on Kay Road west if an intersection with Resolution Drive was constructed and that further consultation and investigation was required.
20. This work has been completed and a revised macro scope is now proposed which does not connect Kay Road west to Resolution Drive for vehicular traffic and instead accelerates the construction of the final Borman Road link to Kay Road as discussed later in this report.
21. Council was also advised that a MOU setting out respective responsibilities for delivery of the Waikato Expressway would be brought back to the Strategy and Policy Committee followed by a MPFA to the Finance Committee defining cost responsibility for the Resolution Drive interchange and Resolution Drive extension.
22. NZTA have advised that it will meet the full cost of providing the Resolution Drive interchange which was not included in the original designation provided HCC is in a position to construct Resolution Drive extension. Funding provision is made in HCC's 2015/25 10 Year Plan for the extension and associated works and it is now appropriate to enter into a MOU and MPFA.

23. It is proposed that the HCC project is included in the Waikato Expressway construction package to be built by NZTA in order to optimize value for money and to allow better project coordination. The project has been included in the scope of work that NZTA is currently tendering.
24. NZTA have called for tenders for the Hamilton section of the Waikato Expressway and the tenders close on 21 July 2015 with a tender award expected by 1 October 2015. NZTA have advised that it is important to complete the MOU and MPFA by the date that tenders close. The MPFA will be presented to the 23 July 2015 Finance Committee meeting.

25. Memorandum of Understanding

26. The MOU (Attachment 2) is a relationship based document and includes a schedule of all of the strategic and operational agreements required between the respective parties. The most significant further agreements for HCC include the MPFA for the Resolution Drive Interchange which will be presented to the 23 July 2015 Finance Committee meeting for approval, and the MPFA between TGH and NZTA for the Ruakura Interchange.

*Resolution Drive Interchange MPFA*

27. The MPFA will reflect the financial responsibilities that HCC has to construct the Resolution Drive extension south of the Waikato Expressway and a parallel but separate MPFA between NZTA and WDC will reflect the responsibilities that WDC has north of the Expressway to construct the Horsham Downs link.
28. The MPFA will also include the construction of a cyclist/pedestrian underpass across the Waikato Expressway to connect the north east residential area of the Rototuna structure plan and some utility services required to support the development which has commenced.
29. This MOU establishes the scope of the project that will be included in the MPFA.

*Ruakura Interchange MPFA*

30. The principal parties to an MPFA to construct the Ruakura interchange including the relocation of Ruakura Road to support the development of the inland port are NZTA and TGH.
31. The parties have requested that HCC be a party to this MPFA in order to establish that HCC will accept the new Ruakura Road to be constructed west of the interchange as part of the local road network and for TGH to draw a link between its proposed investment in the Ruakura Road relocation and Councils Growth Funding Policy.
32. The form of the MPFA for Ruakura will be reported to the Finance Committee on 23 July 2015.

*Other matters in MOU*

33. The MOU also commits HCC to the following:
- To take responsibility for the future upgrading of the Greenhill Link Road between Wairere Drive and the Greenhill Drive interchange from two lanes to four lanes at some time in the future when required (resolved at Strategy and Policy 8 April 2015).
  - To initiate the appropriate local road stopping procedures required to give effect to the agreed scope of the Waikato Expressway when requested by NZTA.
  - To recognize that NZTA propose to revoke the state highway status on a number of current roads when the Waikato Expressway is complete including the section of State Highway 26 from Ruakura Road to State Highway 1 at Hillcrest (any revocation would be subject to the normal requirements to consider backlog maintenance deficiencies prior to hand over and that the road is fit for purpose in relation to its expected transport functions).

34. Resolution Drive Extension Project Macro scope
35. At the 8 April 2015 Strategy and Policy Committee meeting staff proposed a roundabout at the intersection of Resolution Drive extension with Kay Road be included as part of the macro scope.
36. At this meeting a representative of the local community expressed concerns about the safety of Kay Road and in particular the suitability of the current road to manage additional traffic if this connection was made to Resolution Drive. Staff indicated that they would investigate this further and undertake further consultation with the local community.
37. A Kay Road drive over was undertaken with the community representatives and a public consultation meeting was held on 23 April 2015 with the wider community. This was well attended and provided further useful feedback.
38. It is agreed that the vertical and horizontal alignment of Kay Road is marginal and that any increase in traffic volume will have safety implications. As a result of the community concerns and further analysis, a change in macro scope approval is required. It is proposed to ensure that Borman Road (west) is connected to Kay Road by the time that the Waikato Expressway is opened.
39. This change means that a connection between Kay Road west and Resolution Drive will not be part of the macro scope of the Resolution Drive extension. This arrangement is more in keeping with the District Plan and the Rototuna Structure Plan where Borman Road is identified as the minor arterial road and Kay Road as a lower order collector road. Left turn in and left turn out will be provided for southbound traffic on Resolution Drive, and right turn in from Resolution Drive northbound to Rototuna east will also be considered as part of the detailed design, with the expectation that it may be removed in the future when the Northern River Crossing project is completed.
40. As Kay Road forms the boundary between Hamilton City and Waikato District there has been no structure planning for the land north of Kay Road. HCC has funding allocated within the 2015-25 10 Year Plan however to progress the strategic planning of the Northern River Crossing which will have a strategic connection with Resolution Drive north of Kay Road and this is likely to determine any future road network to support potential growth in the area.
41. Council will consider as part of its normal activities and as part of the Resolution Drive project what safety improvements can be made on Kay Road that are appropriate given its lessor likely future role in development of the area.
42. NZTA and staff have continued to engage with the community over the road development in this area and once Council have agreed the revised macro scope, a notified alteration to the Waikato Expressway designation will be progressed by NZTA to secure the agreed scope.
43. Committee approval is sought for the revised macro scope approval as shown in Attachment 3.
- 44. Financial and Resourcing Implications**
45. Funding provision is included in the 2015-25 10 Year Plan to undertake the Resolution Drive extension and the north east Rototuna underpass.
46. Detailed costings will be provided to the 23 July 2015 Finance Committee meeting and approval will be sought to enter into a MPFA to allow NZTA to construct the works as part of the Waikato Expressway.
- 47. Risk**
48. All connection proposals will be subject to full planning approval process which includes public consultation and involvement. In particular NZTA will progress an alteration to the Expressway

designation to enable the completion of the Resolution Drive extension and the removal of the Osborne Road over bridge.

- 49. While Council holds a designation for the Borman Road extension it still needs to acquire the land to allow construction to proceed in a timely manner.

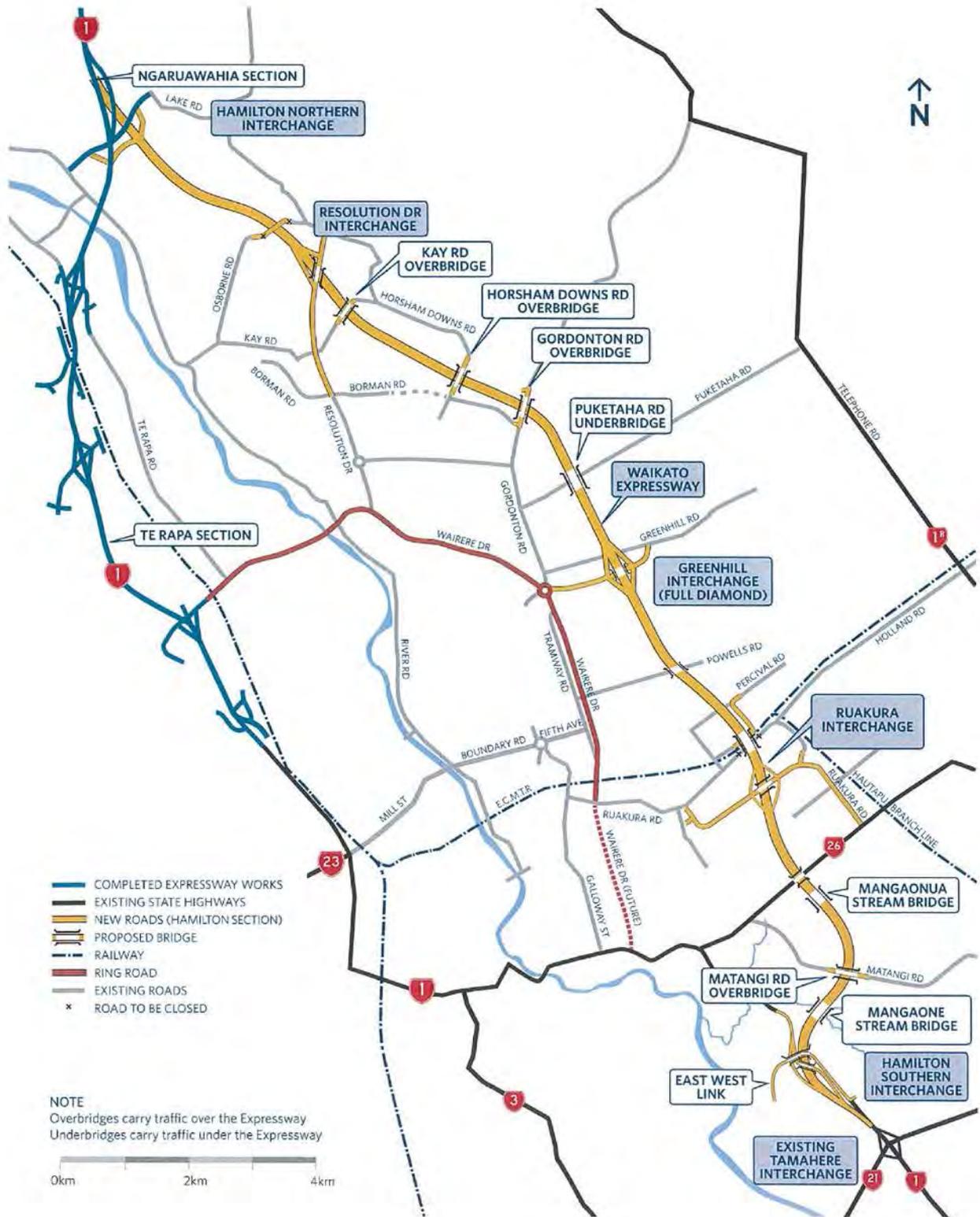
**Signatory**

Authoriser	Chris Allen, General Manager City Infrastructure Group
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2015 - NZTA Expressway Connections

Item 14

Attachment 1



## **Memorandum of Understanding (MoU)**

**Between**

**NZ Transport Agency**

**and**

**Hamilton City Council**

**and**

**Waikato District Council**

**and**

**Tainui Group Holdings Ltd**

**In respect of**

**the Hamilton Section of the Waikato Expressway**



## 1.0 Date of

- 1.1 The date of this MoU is \_\_\_\_ July 2015.

## 1.0 Parties

- 1.2 Hamilton City Council (HCC) a territorial authority under the Local Government Act 2002,
- 1.3 Waikato District Council (WDC) a territorial authority under the Local Government Act 2002,
- 1.4 Tainui Group Holdings Ltd (TGH), a private company established in 1999 to manage the commercial assets of the Waikato-Tainui people, and
- 1.5 New Zealand Transport Agency (Transport Agency), a Crown entity established under section 93 of the Land Transport Management Act 2003.

## 2.0 Background

- 2.1 The Waikato Expressway has been identified by the Government as one of seven Roads of National Significance.
- 2.2 The Hamilton Section of the Waikato Expressway (the Project), between Horotiu and Tamahere, was designated in 2005.
- 2.3 The designation was altered in 2014 (pending two appeals) to include, inter alia, the following key elements:
- A diamond interchange on the proposed extension of Resolution Drive in the Horsham Downs area,
  - A direct connection between the proposed Greenhill Rd interchange and the Wairere Drive/ Gordonton Rd roundabout, and
  - A change in the form of the Southern (Cherry Lane) Interchange to incorporate Waikato District's proposed East-West Link and to grade separate the crossing of Cambridge Rd.
- 2.4 A Board of Inquiry (BOI) appointed by the Environmental Protection Authority (EPA) on the 9<sup>th</sup> of September 2014 approved the Private Plan Change (PPC) requested by TGH and Chedworth Properties Ltd (CPL) to establish an Inland Port and complementary land development at Ruakura.
- 2.5 A Notice of Requirement was confirmed without appeal in May 2015 to replace the proposed half diamond interchange on Morrinsville Rd (SH 26) with a full diamond interchange at Ruakura. This is 1.5 km north of Morrinsville Rd.
- 2.6 The Project interacts with a number of HCC and WDC existing and proposed local roads and other council infrastructure. The Project also interacts with the proposed infrastructure required to service TGH's proposed Inland Port development. This document addresses these interactions.
- 2.7 The Project called for tenders on Contract NZTA 2/09 – 015/602 SH1 Waikato Expressway: Hamilton Section Interim Project Alliance Agreement on the 9<sup>th</sup> March 2015 with tender close 21<sup>st</sup> July 2015. Tender award is targeting 1<sup>st</sup> October 2015.

### 3.0 **Intent**

- 3.1 The intent of this Memorandum of Understanding (MOU) is to:
- formalise a cooperative working relationship between the parties;
  - to list any relevant understandings and agreements between the Parties;;
  - specify the agreed timelines necessary to achieve the Project specific goals listed below;
    - To secure all necessary consents in a timely manner;
    - To agree on cost sharing arrangements;
  - specify the protocols for collaborative actions, including the persons authorised by each party to execute the required agreement on its behalf.
  - to ensure an appropriate integration of the Hamilton Section with the local road network, adjacent land use and the natural and physical environment.
- 3.2 The parties agree that the matters set out in Appendix A represent the current understanding of the required interactions between the respective interests of the parties and that they will be addressed in a timely manner. Appendix A is intended to be maintained as a live record of interactions.

### 4.0 **Scope**

- 4.1 This MOU covers the interactions between The Project and the following interests of the various parties:
- existing and proposed local road networks, including stopping of roads;
  - the proposed Rototuna Structure Plan area (HCC jurisdiction);
  - the proposed Ruakura Structure Plan area (partly covered by TGH's recently approved Private Plan Change);
  - long term management of proposed gully restorations in the Mangaonua, Mangaharakeke and Mangaone gully systems (WDC jurisdiction);
  - long term management of a proposed cultural reserve opposite Cherry Lane in Tamahere (WDC jurisdiction);
  - new local roads to be vested in Council ownership;
  - revocation of State Highways 1B, 39 and 26 (part) on the completion of the Hamilton Section.

### 5.0 **The NZ Transport Agency Alliance Agreement and Minimum Requirements (MR)**

- 5.1 For the purpose of tendering for the project, the project MRs are specified in Contract NZTA 2/09 -015/602. SH1 Waikato Expressway: Hamilton Section.
- 5.2 These requirements have been captured in the version dated 12/03/2015 and subsequent variations as agreed by Transport Agency/WDC/HCC. Any amendments to the MRs require HCC/WDC approval by the authorised delegation.



## **6.0 Multi-party Funding Agreements (MPFAs)**

- 6.1 As noted in Appendix A, some of the interactions between the interests of the parties will be addressed by issue-specific MPFAs. The issues to be covered by these MPFAs are:
- Horsham Downs Link between the Expressway and Horsham Downs Rd;
  - Resolution Drive Extension between Borman Rd and the Expressway, Rototuna Structure Plan service and grade separated pedestrian crossings;
  - Ruakura Interchange;
  - Southern Interchange and proposed East-West Link.

The MPFA's will be developed in a manner that seeks to share costs to be borne by the National Land Transport Fund with Approved Organisations / Third Parties based on shared benefits. The MPFA's will schedule the appropriate MRs for adoption within the Transport Agency Alliance Agreement.

## **7.0 Horsham Downs Link MPFA**

- 7.1 This agreement will be covered in a separate document and will be a joint agreement between the Transport Agency and WDC respectively.
- 7.2 This agreement will be based on the following principles:
- Horsham Downs Link is dependent on the connectivity provided by Resolution Drive Extension and can only be progressed in conjunction with Resolution Drive Extension;
  - The Horsham Downs Link will be constructed as part of the Hamilton Section scope of works;
  - The Transport Agency will be responsible for obtaining statutory consents for Horsham Downs Link;
  - The form of Horsham Downs Link will consist of a two-lane rural road, with a shared path on one side of the road which will fit with the anticipated classification under the One Network Road Classification;
  - Connectivity along Osborne Road will be reviewed based on the ONRC. The currently proposed Osborne Road overbridge may be omitted, provided that Osborne Rd is not severed until the alternative route between Osborne Rd and Horsham Downs Rd, along the Resolution Drive Extension is open to traffic. An Alteration to Designation will be required should Osborne Road be severed;
  - WDC will be financially responsible for the cost of consenting and constructing the Horsham Downs Link and have included funding provision in the 10 Year Plan from 1 July 2015.

## **8.0 Resolution Drive Extension MPFA**

- 8.1 This agreement will be covered in a separate document and will be a joint agreement between the Transport Agency and HCC respectively.
- 8.2 The agreement will be based on the following principles:

- The Resolution Drive Extension will be constructed as part of the Hamilton Section scope of works;
- The Transport Agency will be responsible for obtaining statutory consents for Resolution Drive Extension;
- The form of Resolution Drive Extension will consist of a median-divided, two-lane road incorporating a shared path on one side of the road which will fit with the anticipated classification under the One Network Road Classification (ONRC);
- Connectivity along Osborne Road will be reviewed based on the ONRC. The currently proposed Osborne Road overbridge may be omitted, provided that Osborne Rd is not severed until the alternative route between Osborne Rd and Horsham Downs Rd, along the Resolution Drive Extension is open to traffic. An Alteration to Designation will be required should Osborne Road be severed;
- HCC will be financially responsible for the cost of consenting and constructing the Resolution Drive Extension and have included funding provision in the 10 Year Plan from 1 July 2015.

#### **9.0 North-East Residential area of the Rotoruna Structure Plan, Service and Pedestrian Crossings MPFA**

- 9.1 This agreement between the Transport Agency and HCC will be covered in the Resolution Drive MPFA;
- 9.2 HCC requests provision for pedestrian and sewer lines across the Expressway to service that part of the North-East Residential area of the Rotoruna Structure Plan that lies to the north of the Expressway.
- 9.3 HCC requests provision for a watermain to cross via Kay Road Bridge to service the Rotoruna Reservoir.
- 9.4 The Transport Agency agrees to consider making provision for these crossings subject to further conditions.
- 9.5 HCC agrees that it will meet the cost of design and construction of the service and pedestrian crossings and provide design details to the Transport Agency so that they can be included in the Project Request for Proposal (RFP).

#### **10.0 Greenhill Link Road Heads of Agreement with PCL Ltd (Chedworth Properties)**

- 10.1 This agreement between the Transport Agency and PCL Limited, to construct Greenhill Arterial Link will be covered in a separate document, shared with HCC.
- 10.2 The proposed link road between Wairere Drive and the Expressway will ultimately service the north end of the Ruakura Structure Plan area and a four lane, median divided; facility is likely to be required in the future. A major intersection is also proposed approximately mid-block to service the subdivision.
- 10.3 The Transport Agency will be responsible for the form of an urban arterial road being a two-lane median divided facility, without any mid-block intersection, but including a shared path on one side of the road as part of the Project scope of works. Cross section to be agreed between HCC, PCL and the Transport Agency.



#### **17.0 Protection of Parties' Separate Interests**

- 17.1 Where the Parties' requirements conflict in relation to the interactions covered by this agreement the authorised representatives of the parties will make their best endeavours to identify, minimise and resolve the conflict prior to considering the matter as a dispute.

#### **18.0 Invalidity**

- 18.1 If any part of this MOU or the application to any person or circumstance is or becomes invalid or unenforceable the remaining terms, covenants and conditions shall not be affected thereby and such terms covenants and conditions of these presents shall be valid and enforceable to the fullest extent permitted by law.

#### **19.0 Disputes**

- 19.1 All differences and disputes between the parties concerning this MOU shall be dealt with as follows:
- 19.1.1 The parties shall meet and discuss in good faith any dispute between them arising out of this MOU.
- 19.1.2 If the discussions referred to in 19.1.1 fail to be resolved within 30 days of first being raised in writing, the issues shall be elevated to a meeting between the Chief Executives or their nominees to reach an agreed position.

#### **20.0 Publicity**

- 20.1 Notwithstanding the right for the media to report on any public meeting, all parties, prior to release, will use their best endeavours to agree on the content of any media release.
- 20.2 Engagement with the community by any party shall be in accordance with the joint framework agreed by the Representatives.

#### **21.0 Amendment**

- 21.1 This MOU can be amended at any time by written agreement of the parties.

## 22.0 Signing

22.1 IN WITNESS WHEREOF this Memorandum of Understanding has been executed as at the date first written above

<p>Signed for the NZ Transport Agency by:</p> <p>Kaye Clark <b>Highway Manager</b></p> <p>in the presence of:</p> <p>Name:</p> <p>Occupation:</p> <p>Address:</p>	<p>Signed for Hamilton City Council:</p> <p>Richard Briggs <b>Chief Executive</b></p> <p>in the presence of:</p> <p>Name:</p> <p>Occupation:</p> <p>Address:</p>
<p>Signed for Waikato District Council:</p> <p>..... <b>Chief Executive Officer</b></p> <p>in the presence of:</p> <p>Name:</p> <p>Occupation:</p> <p>Address:</p>	<p>Signed for Tainui Group Holdings Ltd</p> <p><b>Chief Executive Officer</b></p> <p>in the presence of:</p> <p>Name:</p> <p>Occupation:</p> <p>Address:</p>



**APPENDIX A**

**SCHEDULE OF AGREEMENTS COVERED BY THIS MOU**

The following table lists the agreements covered by the MOU and indicates the current status of these agreements as at the date of signing of the MOU.

DRAFT

**APPENDIX A**

Location/ Feature	Parties	Issues/ Scope	Form	Status
<b>A: Existing Local Road Crossings</b>				
1. Osborne Rd	WDC	Cross sections, alignment standards, pavements, roadside treatment, pedestrian and cycle facilities, lighting, intersections, severances, temporary closures, utilities, future proofing	MRs	Included in current RFP documents
2. Kay Rd	WDC/HCC			
3. Horsham Downs Rd	WDC/HCC			
4. Borman Rd	HCC			
5. Gordonton Rd	HCC			
6. Puketaha Rd	WDC			
7. Greenhill Rd	WDC/HCC			
8. Powells Rd	WDC/HCC			
9. Percival Rd	HCC/WDC			
10. Ryburn Rd	HCC/WDC			
11. Ruakura Rd	HCC/WDC			
12. Morrinsville Rd	HCC			
13. Matangi Rd	WDC			
14. Cambridge Rd	WDC			
<b>B: New Local Road Crossings</b>				
1. Resolution Drive Extension	HCC/WDC	Cross sections, alignment standards, pavements, roadside treatment, pedestrian and cycle facilities, lighting, intersections, severances, temporary closures, utilities, future proofing	MPFA and MRs	Draft MPFA
2. Greenhill Arterial Link	HCC/WDC			
3. Relocated Ruakura Rd	HCC/WDC			
4. East West Link (Expressway & Cambridge Rd)	WDC			



### C: New Local Roads and Expressway Connections

1. Resolution Drive Extension: Borman - Interchange	HCC	Funding, timing and construction of extension - related to Horsham Downs Link item Alignment, cross section, pavement and intersection standards	MPFA MRs	Draft MPFA
2. Horsham Downs Link: Interchange - Horsham Downs Rd	WDC	Funding, timing and construction of link. (Related to proposed severance of Osborne Rd.) Alignment, cross section, pavement and intersection standards	MPFA MRs	Draft MPFA
3. Greenhill Link West	HCC/PCL	Funding, timing and construction of link Cross section and pavement standards	PCL HOA MRs	.
4. Greenhill Link East	WDC	Cross section, pavement and intersection standards	MRs	
5. Ruakura Interchange and Relocated Ruakura Rd West	TGH	Design & construction responsibilities; timing & cost sharing.	MPFA	Draft MPFA
6. Relocated Ruakura Rd West	HCC	Cross section, pavement and intersection standards	MRs	
7. Relocated Ruakura Rd East	WDC	Cross section, pavement and intersection standards	MRs	
8. East West Link: - Expressway to Birchwood Lane	WDC	Cost Sharing Cross section, pavement & intersection standards	MPFA MRs	MPFA in place.
9. Property Access Rd (524 Cambridge Rd)	WDC	Link to properties and Borrow Pit Reserve to become public road vested in WDC Geometric Standards	MPFA MRs	Early discussion

**D: Miscellaneous**

1. Access to Soper Property from Osborne Rd via WDC paper road	WDC	Geometric standards, including form of junction on Osborne Rd.	MRs	Agreed with WDC
2. Kay Rd Reservoir	HCC	Provisions for mutual security of the reservoir and expressway	MRs	Informal discussion
3. Rototuna Area: - Service Crossings - Pedestrian Underpass - Kay Rd Watermain	HCC	Crossing provisions and locations. Timing and cost sharing. Maintenance Provisions Provision in MRs	MPFA MRs	Draft MPFA
4. Percival Rd Culvert	TGH HCC	Stormwater culvert to service Ruakura development	MPFA MRs	Draft MPFA
5. Mangaonua Gully	WDC DOC	Vesting of surplus gully area. Long term maintenance.	MPFA	Early discussion
6. Mangaharakeke/ Mangone Gully	WDC DOC	Vesting of surplus gully area. Long term maintenance.	MPFA	Early discussion
7. Annebrook Rd	WDC	Timing of closure	MPFA	Draft MPFA?
8. Borrow Pit Reserve	WDC	Vesting of reserve and covenant protection	MPFA	Early discussion



### E: State Highway Rerouting

1. Rerouting of SH 26	HCC/WDC WDC	<ul style="list-style-type: none"> <li>Revocation of SH26 west of Ruakura Rd, and</li> <li>Declaration of SH 26 - Morrinsville Rd to Ruakura Interchange</li> </ul>	MPFA	?? ??
2. Revocation of SH1B	WDC	<ul style="list-style-type: none"> <li>Revocation of SH 1B between Taupiri &amp; Cambridge</li> </ul>	MPFA	??
3. Rerouting of SH 1 Between Horotiu & Tamahere	HCC WDC	<ul style="list-style-type: none"> <li>Revocation or renaming SH 1 through City, and</li> <li>Declaration of SH 1 via expressway</li> </ul>	MPFA	No discussion

**Resolution Drive Extension Concept Plan**



**Committee:** Strategy & Policy Committee

**Date:** 07 July 2015

**Report Name:** Wairere Drive- Cambridge to  
Cobham Drive Section

**Author:** Christopher Barton

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Hamilton Plan:</i> <ul style="list-style-type: none"> <li>• <i>Providing Outstanding Infrastructure</i></li> <li>• <i>The Third City Economy in New Zealand</i></li> </ul> <i>Access Hamilton Strategy, Hamilton Urban Growth Strategy, Economic Development Agenda</i>
<b>Financial status</b>	<i>There is budget allocated</i> <i>Amount \$11,487,651</i>
<b>Assessment of significance</b>	<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. To seek Council approval for a revised macro scope of the final section of Wairere Drive from Cambridge Road to Cobham Drive.

## 3. Executive Summary

4. Staff have been working with the New Zealand Transport Agency (NZTA) to develop the scope of the final section of the Wairere Drive Extension from Cambridge Road to Cobham Drive, incorporating a 'One Network' approach to ensure that the best overall network outcome is achieved.
5. Investigation has considered the section of State Highway 1 from the intersection with Morrinsville Road (State Highway 26) to Cobham Bridge.
6. Following site specific assessment and network consideration, it is proposed that a roundabout is constructed at the intersection of Wairere Drive and Cobham Drive in conjunction with a grade separated pedestrian and cycle crossing facility across Cobham Drive in the form of an over bridge.
7. The proposed scope of works would be able to be completed within existing budget allocations.
8. It is noted that the proposed roundabout intersection is designed for the foreseeable traffic environment and will not meet the needs of full development for the Peacockes growth cell. The Southern Links project considers this future development and has planned for a future grade separated intersection at this location.

## 9. Recommendations from Management - *Recommendation to Council*

- a) That the Report be received.
- b) That the revised macro scope for the section of Wairere Drive from Cambridge Road to Cobham Drive is approved as shown on Attachment 2.
- c) That staff report back to Council on options for the pedestrian/cycle over bridge prior to committing to any particular design.

## 10. Attachments

11. Attachment 1 - One Network Plan
12. Attachment 2 - Wairere Drive/Cobham Drive Intersection Plan
13. Attachment 3 - State Highway 1/26 Roundabout Upgrade - NZTA Project Update

## 14. Key Issues

15. Background
16. Strategy and Policy Committee approved the macro scope of the section of Wairere Drive from Cambridge Road to Cobham Drive at its 30 April 2014 meeting. The macro scope allowed for traffic signals in a standard T arrangement.
17. In the regular update of the project to Finance Committee on 2 October 2014 it was reported that subsequent design including further traffic modeling and design safety auditing had raised questions about the suitability of the traffic signals, and that the original roundabout design was now being reconsidered. The planning designation that Council holds is predicated on a roundabout solution.
18. It was also advised that due largely to safety concerns the merits of an overhead grade separated pedestrian and cycle bridge crossing over Cobham Drive would be assessed as an integral part of the project.
19. A briefing was held with Councillors on 13 November 2014 where the options being considered were displayed for feedback. At this briefing it was advised that though staff were still to confirm a preferred intersection form, a pedestrian over bridge would likely be part of a preferred option in conjunction with either a signalised or roundabout intersection, and that further work was being carried out with NZTA to consider the section of State Highway 1 from the Hillcrest roundabout to Cobham Bridge taking a one network approach.
20. One Network Considerations
21. Since November 2014 NZTA and Council staff have been reviewing the form and function of the proposed intersection treatments in the south east sector of Hamilton to ensure that the best network outcome is achieved (refer Attachment 1).
22. The package of works considered under the One Network approach includes:
  - State Highway 1/26 Roundabout upgrade (NZTA project)
  - State Highway 1/Cambridge Road Intersection upgrade (NZTA project)
  - Cambridge Road treatments
  - Wairere Drive/Cobham Drive intersection
  - Sillary Street Pedestrian/Cycle underpass (NZTA project)
23. Councillors were advised on 28 April 2015 that NZTA had commenced tendering the works to upgrade the State Highway 1/State Highway 26 (Burger King) to a larger roundabout and that construction was expected to start in June/July 2015 (refer Attachment 3).

24. NZTA are still considering options for the State Highway 1/Cambridge Road intersection which is currently a small roundabout. At this time NZTA are favouring traffic signals, removing the right turn out function from Cambridge Road and adding an additional westbound lane from the SH1/26 intersection. NZTA believe that this arrangement will optimize efficiency and make the best use of the arterial network. Further design is being carried out to assess the safety and suitability for pedestrians and cyclists. Once Hamilton has confirmed the macro scope for the Wairere/Cobham Drive intersection they will complete their investigation work.
25. Council resolved in April 2014 to include minor traffic interventions on Cambridge Road to reinforce the road hierarchy and to reflect the need for traffic to service the University and Hillcrest area. This resolution is still valid and works will be completed as part of the project to extend Wairere Drive to Cobham Drive. Current concept options include intersection treatments in the form of roundabouts at the intersections of Cambridge Road with Knighton Road, Hillcrest Road and Masters Avenue. Further investigation, local consultation and design will be carried out prior to implementing these works.
26. NZTA are committed to providing enhanced pedestrian connectivity across Cobham Drive, and are currently progressing the investigation and design of an underpass in the vicinity of Sillary Street to connect Grey Street and the Hamilton East area to the Hamilton Gardens and the pedestrian and cycle networks on the southern side of Cobham Drive.
27. Wairere Drive/Cobham Drive Intersection
28. Staff recommend that a roundabout is constructed at the intersection of Wairere Drive and Cobham Drive and that a grade separated over bridge suitable for pedestrians and cyclists be provided as part of the project scope (refer Attachment 2).
29. The intersection forms part of the state highway network and will be crown owned and administered by NZTA. NZTA have considered the options for this intersection and have endorsed the macro scope recommended subject to ongoing design and safety audit approvals.
30. This intersection form is consistent with the current adjacent roundabout at Cobham Drive/Galloway Street and the roundabout being upgraded at the intersection of State Highways 1 and 26 in Hillcrest.
31. The road corridor will come under increasing pressure over time but the capacity of this proposed intersection will exceed the capacity of other constraints on this part of the network including Cobham Bridge and the intersections in Hillcrest.
32. Staff will continue to work with NZTA and give consideration to appropriate and justifiable posted speed limits on the network.
33. Consultation
34. The Wairere Drive designation which included a roundabout intersection with Cobham Drive was subject to a full public consultation process.
35. There has been ongoing direct communication with parties directly affected by the Cambridge to Cobham link along with regular e-mail, letter drop and social media updates to a range of key stakeholders including the Hamilton Gardens and community groups. Public communication will recommence once the macro scope approval is obtained.
36. Implementation issues
37. Careful consideration will be given to constructing this improvement on a very busy transport corridor and to aligning the construction timing of this work with other adjacent work particularly the intersection improvements at Hillcrest.

38. An integrated communication plan will be developed in conjunction with NZTA anticipating road user concerns over network disruption as these important works are constructed.
39. Staff will report back to Council on options for the pedestrian/cycle over bridge prior to committing to any particular design.
40. Options
41. An option to install traffic signals is not recommended due to the anticipated safety issues associated with traffic signals in this location and due to the fact that the roundabout option is superior in relation to traffic efficiency.
42. Consideration was also given to a grade separated interchange compatible with the future Southern (Peacockes) Links but the cost of this could not be economically justified and Council also has insufficient budget allocated to implement this form of intersection at this time.
43. An underpass was considered as an alternative to the proposed over bridge to provide a grade separated facility suitable for pedestrians and cyclists. Natural topography would provide for this being located on the eastern side of the Wairere/Cobham intersection. The over bridge is preferred because its location on the Western side of the intersection provides for enhanced connectivity from the Hamilton East residential area to the Hamilton Gardens, and also an over bridge could be retained when the future southern connection to Peacockes is made where an underpass would likely be sacrificial.

#### **44. Financial and Resourcing Implications**

45. Funding for the Hamilton Ring Road project is accommodated in the 2015/25 10-Year Plan and there is sufficient funding to complete the final works described in this report.
46. In line with the existing agreement with NZTA, this final section of the Wairere Drive Extension from Cambridge Road to Cobham Drive is to be advance funded by NZTA, with HCC to pay its share of the costs (45% of the total project cost) in the 2019/20 financial year.
47. The total project budget for the final section from Cambridge Road to Cobham Drive is \$11,487,651.

#### **48. Risk**

49. This intersection is designed for the foreseeable traffic environment and will not meet the needs of full development for the Peacockes growth cell. The Southern Links project considers this growth cell and has planned for a future grade separation at this location.

#### **Signatory**

Authoriser	Chris Allen, General Manager City Infrastructure Group
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**FOR INFORMATION ONLY**

This drawing is confidential and shall only be used for the purposes of this project. THE WORKS OF THIS TITLE BLOCK COMPREHENDS THE DESIGN AND PREPARATION OF THIS PROJECT HAVE BEEN PREPARED AND CHECKED IN ACCORDANCE WITH THE AECOM QUALITY ASSURANCE SYSTEM TO ISO 9001:2008.		SCALES: 0 10 20m 1:500 FULL SIZE A1 1:1000 HALF SCALE A3	 <small>AECOM New Zealand Limited</small>	  <small>To kaitiaki ora o Pōhūtahi</small>	<b>Cobham Drive Signalised Intersection Options</b> Option 10 At Grade Roundabout Two and a half Lane / Split Right Turn option <small>Op106_dex04_SPG_rab_02.inp</small>																							
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## Roundabout upgrade this year

Work will start soon on a bigger and better roundabout on this Hamilton intersection which links SH1, Morrinsville Road and the Hillcrest shopping centre.

This roundabout is the city's busiest - with 37,000 vehicles a day passing through - and it needs improving to handle the load. The upgrade will improve traffic flows and improve safety.

We expect work to start mid-year. With homes, businesses, schools and bus stops all nearby, our goal is to get the job done with the least disruption possible.

Extensive traffic management will be required during the four-month construction period.

This project will make a difference to people who pass through that intersection - including cyclists and pedestrians - but we are going to need everyone's co-operation while we build it.

*Kaye Clark, Highway Manager*

### Project open day

Once the contract has been let, the NZ Transport Agency will host an open day to talk about the project, especially about managing traffic while works are under way.

**Come along to find out more. The date and venue will be advertised closer to the time.**



Proposed upgrade layout for SH1/26 roundabout improvements at Hillcrest

## Frequently asked questions

### What is being built at the intersection of SH1-26?

A larger roundabout, which will improve traffic flows. The new roundabout will have three incoming lanes on SH1, and a sliproad east into SH26.

### When will work start and finish?

Preliminary work to move services is expected to start in June, with full construction due to start as soon as possible after that.

### Who is doing this work and why?

The new roundabout is a NZ Transport Agency project, and will be built by a contractor. The project will be tendered shortly and the successful contractor will be known in late May/June. The work will improve traffic flows and safety at the intersection which sees 37,000 vehicles a day pass through it.

### How can I find out more?

We are planning an open day to explain the project and discuss the traffic management required so we can safely and efficiently manage drivers, pedestrians and cyclists travelling through the site, and maintain access for residents and businesses. We also need to allow the construction team building the new roundabout time and space to get the work done. The open day date, times and venue will be advertised closer to the time. You can also follow us on Facebook for regular updates at [www.facebook.com/NZTAWaikatoBoP](http://www.facebook.com/NZTAWaikatoBoP) or phone the Transport Agency's Hamilton office 958 7220.

### Will I still be able to get into the shopping centre, or drop the kids off at school?

Yes, but be prepared for changes to the road layout and follow traffic management. The detailed traffic management plans for this project will be developed once the successful contractor is on board. As the traffic management plans progress you will receive updates by letter on the best access routes. You can also follow our Facebook page [www.facebook.com/NZTAWaikatoBoP](http://www.facebook.com/NZTAWaikatoBoP) for regular updates or phone the Transport Agency's Hamilton office 958 7220.

### What about access to my home or business: will that be maintained at all times?

Access to your home or business will be maintained at all times during the project.

### So will there be detours?

No detours are planned at this stage. We plan to work with our contractor to ensure traffic can pass through the site at all times. The traffic management plans will be developed by the successful contractor. The open day date, times and venue will be advertised closer to the time.

### Will the work be done in daytime or at night?

There is likely to be some night work and weekend work but at this stage we don't know how the contractor will arrange his working hours. Working on the road during morning and afternoon peaks which affects traffic flows is not permitted.

### So the project will impact on local residents?

We are looking at the best ways to limit the disruption for local residents but with a job of this size there will be some impact. We will be working with the contractor to ensure as little disruption as possible.

### Will there be improved facilities for vulnerable road users, like pedestrians and cyclists?

Yes. The new roundabout will improve access and safety for all road users.

### How can I keep in touch with the project?

The Transport Agency will issue media releases, provide updates on its Facebook page, and nearby residents will receive letters from the contractor who will also provide a 24-hour contact number.

**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015

**Report Name:** Integrated Transport Initiative Programme      **Author:** Robyn Denton

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Access Hamilton Strategy</i>
<b>Financial status</b>	<i>There is budget allocated Amount \$900,000 per annum</i>
<b>Assessment of significance</b>	<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 seek broad agreement from Council on the allocation of the Integrated Transport Initiative fund over the 10 Year period 2015-25.

## 3. Executive Summary

- Council has in previous years given broad direction on the balance of funding it would like to allocate for walking, cycling and public transport within the Integrated Transport Initiative Programme funded in the 10-Year Plan.
- The Discretionary Transport Working group has oversight within this broad direction of Council across the individual projects within the three discretionary transport programmes being the Integrated Transport Initiatives, Minor Improvements and Bus Stop Infrastructure programmes.

## 6. Recommendations from Management

- a) That the Report be received
- b) That Council approves the following broad allocations for the Integrated Transport Initiative programme over the next 10 years

Integrated Transport Initiatives	Year 1 2015-16 \$	Year 2 2016-17 \$	Year 3 2017-18 \$	Years 4-10 2018-2025 \$	10-year total \$
- Biking	600,000	600,000	500,000	2,100,000	3,800,000
- Walking	53,000	100,000	100,000	700,000	953,000
- Public Transport	100,000	200,000	300,000	3,500,000	4,100,000
- Gallagher Intersection	147,000	0	0	0	147,000
<b>Total</b>	<b>900,000</b>	<b>900,000</b>	<b>900,000</b>	<b>6,300,000</b>	<b>9,000,000</b>

- c) That staff work with the Discretionary Transport Working Group to prioritise projects within the Discretionary Transport programmes and the broad allocations approved for the Integrated Transport Initiative programme.

## 7. Attachments

8. Attachment 1 - Strategic Framework for Expenditure - Discretionary Transport Programme

## 9. Key Issues

10. There are three programmes broadly referred to as the Discretionary Transport programme in the 2015-25 10-Year Plan. These programmes have annual funding provisions that allow for as yet unidentified minor transport network improvements. These programmes are:
  - Minor Improvements to the Transport Network
  - Bus Stop Infrastructure
  - Integrated Transport Initiatives
11. The following describes the intended scope of these programmes:
  - **Bus Stop Infrastructure:** the budget allows installation of new bus stops and shelters and retrofit of bus stop kerbs to a full wheelchair accessible standard.
  - **Minor Improvements:** the budget allows for miscellaneous (mostly safety) minor improvement projects and for new minor road infrastructure assets including requests from the community.
  - **Integrated Transport Initiatives:** the budget allows for the provision of new and improved infrastructure to grow the walking, biking and public transport mode share, and to respond to the community needs in these areas.
12. The allocation of funding for each of these programmes over the next ten years in the 2015-25 10 -Year Plan is set out below (un escalated \$2015/16):

<b>Programme</b>	<b>Year 1 2015-16 \$</b>	<b>Year 2 2016-17 \$</b>	<b>Year 3 2017-18 \$</b>	<b>Years 4-10 2018-2025 \$</b>	<b>10 Year Total \$</b>	<b>NZTA Subsidy included in 10 Year Plan</b>
Bus Stop Infrastructure	112,500	112,500	112,500	787,500	1,125,000	Yes – 51%
Minor Improvements	637,900	637,900	637,900	4,465,300	6,379,000	Yes – 51%
Integrated Transport Initiatives	900,000	900,000	900,000	6,300,000	9,000,000	No

13. If the chosen projects within the individual programmes meet NZTA criteria then they may attract a subsidy. It is normal for the Bus Stop Infrastructure and Minor Improvement (safety) programmes to qualify and the Annual Plan has been built on the assumption that there will be a subsidy. The figures in the table above are gross figures and include the subsidy assumption.
14. NZTA subsidy is not always available for projects within the Integrated Transport Initiative programme and so no subsidy assumption is built into the 10-Year Plan. Staff will assess all of the projects within this programme and apply for a subsidy if the works meet specified criteria.
15. The prioritization of Bus Stop Infrastructure is normally done in consultation with the Waikato Regional Council who manage the public transport services.
16. The Minor Improvements to the transport network are normally considered on an annual basis and are dependent largely on the input that Council gets from its community through the Annual Plan submissions and other feedback/requests throughout the preceding year.
17. In previous years, the practice has been to seek Strategy and Policy Committee broad agreement on how to prioritise the Integrated Transport Initiative budget across the three modes of walking, biking and public transport and to then have a Discretionary Transport Working Group work with staff on the more detailed allocation of projects in any given year within the broad direction given by Committee.
18. The Discretionary Transport Working Group also has oversight on the project allocation within the Minor Improvement and Bus Stop Infrastructure programmes.
19. The current membership of the Discretionary Transport Working Group is Her Worship the Mayor, Councillor King, Councillor Pascoe and Councillor Tooman.
20. Recognizing some existing decisions of Council, staff recommend the following broad allocations for the Integrated Transport Initiative programme over the next 10 years noting that Council will be given the opportunity to confirm these allocations at the start of each financial year with the benefit of any further Annual Plan decisions and continual community input.

<b>Integrated Transport Initiatives</b>	<b>Year 1 2015-16 \$</b>	<b>Year 2 2016-17 \$</b>	<b>Year 3 2017-18 \$</b>	<b>Years 4-10 2018-2025 \$</b>	<b>10-year total \$</b>
- Biking	600,000	600,000	500,000	2,100,000	3,800,000
- Walking	53,000	100,000	100,000	700,000	953,000
- Public Transport	100,000	200,000	300,000	3,500,000	4,100,000
- Gallagher Intersection*	147,000*	0	0	0	147,000
<b>Total</b>	<b>900,000</b>	<b>900,000</b>	<b>900,000</b>	<b>6,300,000</b>	<b>9,000,000</b>

\* reflects components of the intersection project that relate to Public Transport, Biking and Walking outcomes.

21. Council resolved at its 4 June 2015 meeting to commit a minimum of \$3M of the \$9M Integrated Transport Fund to biking for the 10-Year Plan period in addition to any external funding including NZTA funding.
22. Council also considered a request from the Te Awa River Ride Charitable Trust for \$100,000 in each of years 2015/16 and 2016/17 and resolved that this request be considered by the working group. The recommended allocations would allow the working Group to respond to this funding request in years 2 and 3.
23. Council also has the opportunity to consider a \$500,000 contribution to the \$4,000,000 Western Rail Trail bike project with the balance of funding to come from the Urban Cycle fund and the National Land Transport Programme. Staff believe there may be other opportunities to leverage external funding in the next 3 years and have recommended higher biking allocations in years 2 and 3.
24. Funding for the Public Transport expenditure has been graduated to reflect the timing of changes to the Hamilton Public Transport network via new contracts commencing in 2017 and 2018. A higher proportion of the Integrated Transport Initiative fund is proposed from year 4 to reflect the ongoing need to provide infrastructure improvements to facilitate the Hamilton Bus services.
25. Council has previously resolved to allocate \$147,000 in 2015/16 as a contribution towards the NZTA managed Gallagher Intersection project
26. A summary of the strategic framework used as guidance for prioritisation by the Discretionary Transport Working Group within these three programmes is included in a table identifying the key drivers and expected results (Attachment 1).

**Signatory**

Authoriser	Chris Allen, General Manager City Infrastructure Group
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**Strategic Framework for Expenditure  
Discretionary Transport Programme**

	<b>Integrated Transport Initiatives</b>	<b>Minor Traffic Improvements</b>	<b>Bus Stop Infrastructure</b>
<b>Prioritisation Mechanism</b>	<ul style="list-style-type: none"> <li>Severity of need from Accessibility Mapping Tool</li> <li>Scale of need from Neighbourhood Accessibility Plans (NAPS)</li> <li>Alignment with rollout with PT Strategic Network for the city</li> <li>Emerging outputs of Network Operating Plan</li> <li>Biking Plan</li> </ul>	<ul style="list-style-type: none"> <li>Severity of need based on NZTA scoring sheet</li> </ul>	<ul style="list-style-type: none"> <li>Potential to attract new patrons</li> <li>Improvement of facilities to retain existing patrons</li> <li>Number of patrons affected</li> <li>Alignment with roll out of PT Strategic Network city</li> </ul>
<b>Expected Results</b>	<ul style="list-style-type: none"> <li>Improving convenience for pedestrians, cyclists and public transport patrons</li> <li>Removing barriers to walking and cycling</li> <li>Provide safe linkages across busy roads and between Safer Speed Areas</li> <li>Improved access to public transport services</li> <li>Safer footpath routes to primary schools</li> <li>Safe routes for cycling to intermediate, secondary schools, commuting to work</li> <li>Improved pedestrian crossing facilities</li> <li>More efficient bus movements</li> </ul>	<p>NZTA criteria as listed below:</p> <ul style="list-style-type: none"> <li>Improving transport mode choice</li> <li>Reducing death and serious injuries</li> <li>Easing severe urban congestion</li> <li>Resilient and secure network</li> <li>Optimising existing network</li> <li>Efficient freight supply chains</li> <li>Reducing adverse environmental effects</li> <li>Traffic volumes</li> <li>Responding to legitimate community needs</li> </ul>	<ul style="list-style-type: none"> <li>Growth in patronage and mode share by:</li> <li>Removal of all barriers – providing access for all</li> <li>Improved ease of getting to bus</li> <li>Improved desirability of taking bus</li> <li>Improved customer experience</li> </ul>
<b>Typical Types of Activity</b>	<ul style="list-style-type: none"> <li>Signalised crossings on arterial routes</li> <li>Main road crossing points</li> <li>Connecting walking routes to bus stops</li> <li>Short lengths of new footpath to complete networks</li> <li>Way finding signage</li> <li>Improvements for mobility impaired and visually impaired</li> <li>Intersections</li> <li>Providing continuity of key routes</li> <li>Way finding signage</li> <li>On-road improvements integrates with road maintenance programme</li> <li>Signal pre-emption for buses</li> <li>Dedicated lanes for buses</li> </ul>	<ul style="list-style-type: none"> <li>Work value for each project &lt;\$300,000</li> <li>Pedestrian refuge islands</li> <li>Minor intersection improvements</li> <li>Splitter islands</li> <li>Stock underpasses (if any)</li> <li>Guard railing etc</li> <li>Lighting improvements for safety intersections</li> </ul>	<ul style="list-style-type: none"> <li>More shelters and seats for protection from elements</li> <li>Accessible bus stops</li> <li>Education, marketing and public consultation</li> <li>Faster trips in peak times</li> </ul>

**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015

**Report Name:** Consideration and Retrospective Approval of HCC's Submission to the Rules Reduction Taskforce/Options for Earlier Approval of Council Submissions      **Author:** Mark Brougham

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>HCC's process for developing submissions to external organisations.</i>
<b>Financial status</b>	<i>There no budget allocated.</i>
<b>Assessment of significance</b>	<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

- For the Strategy and Policy Committee to consider and retrospectively approve HCC's 15 June 2015 submission to the Rules Reduction Taskforce and to look at options to achieve earlier approval of Council submissions.

## 3. Executive Summary

- HCC's submission to the Rules Reduction Taskforce was developed through the discussion Elected Members had with Taskforce members on 17 April as well as feedback that Elected Members outlined at the 21 May informal meeting to discuss various points of concern on this topic.
- HCC's draft submission to the Rules Reduction Taskforce was then emailed to Elected Members for feedback as per the current process for developing Council submissions.
- All Elected Members have the opportunity to provide feedback on draft submissions. A number of comments received by Elected Members during development of HCC's submission to the Rules Reduction Taskforce were included in the final version, which was then approved by the Chief Executive.
- The final version was emailed to the Rules Reduction Taskforce on 15 June to meet the official submission closing date, meaning that the submission will need retrospective Council approval.
- As part of the current process for developing submissions to external organisations, all HCC submissions developed with Elected Members need to be considered and approved by the Strategy and Policy Committee. The only exception to this is where staff make submissions to

organisations on issues that are very technical nature. In such cases, it is made very clear to the organisation that we are making the submission to that the views expressed are those of staff and do not necessarily reflect the views of the Council itself.

9. Recently, a number of Elected Members have requested that improvements be made to HCC's submission process so that submissions are formally approved by Elected Members prior to being sent to the respective organisation i.e. to avoid retrospective approval of submissions.
10. Three options to achieve earlier approval of submissions to external organisations (in order to avoid retrospective approval) that Council may wish to consider are:
  - (a) Hold an Extraordinary Council meeting when required to consider and approve a draft submission(s). A number of Extraordinary Council meetings may need to be called in a single month depending on the submission volume and closing timeframes.
  - (b) Delegate (when timing allows) other Standing Committees to consider and approve a draft submission(s).
  - (c) Establish a Subcommittee of Elected Members with delegated authority to consider and approve a draft submission(s). This Subcommittee would need to meet when required and may need to meet numerous times a month depending on the submission complexity and closing timeframes.
11. In addition, Elected Members may also wish to consider having an informal meeting in the initial stage of each submission process to ensure key messages are captured for inclusion in the draft submission.
12. For such meetings, a date/time would be set by staff and those Elected Members who would like to discuss and work through the issues would be welcome to attend.

### **13. Recommendations from Management**

- a) That the Report be received.
- b) That the 15 June 2015 submission to the Rules Reduction Taskforce be considered and retrospectively approved.
- c) That the Rules Reduction Taskforce be advised of any changes made to HCC's submission at the 7 July 2015 Strategy and Policy Committee meeting.
- d) That subsequent to the Strategy and Policy Committee's approval, HCC's final submission to the Rules Reduction Taskforce be uploaded to HCC's website.
- e) That local Members of Parliament be advised of HCC's submission to the Rules Reduction Taskforce adopted at the 7 July 2015 Strategy and Policy Committee meeting.
- f) That consideration be given to the three options outlined in Section 10 to achieve earlier approval of HCC submissions to external organisations.

### **14. Attachments**

15. Attachment 1 - HCCs Feedback to the Rules Reduction Taskforce (15 June 2015) (PDF)

### **Signatory**

Authoriser	Blair Bowcott, General Manager Performance Group
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Feedback by

**Hamilton City Council**

## **RULES REDUCTION TASKFORCE - INVESTIGATION INTO UNNECESSARY RULES AND LEGISLATION**

**15 June 2015**

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### **1 INTRODUCTION**

- 1.1 Hamilton City Council (HCC) welcomes the opportunity to provide feedback to the Rules Reduction Taskforce. We see this engagement process as a critical piece of work that will contribute towards improving and streamlining rules and legislation at all levels that impact on individuals, property owners, business and all councils throughout the country.
- 1.2 We would like to acknowledge the work undertaken by the Rules Reductions Taskforce, and in particular the effort of holding numerous roadshow presentations throughout the country. The 17<sup>th</sup> April 2015 meeting in Hamilton between Taskforce members and HCC's Elected Members was particularly beneficial to us.
- 1.3 Our feedback primarily focuses on identifying issues with Government rules and legislation that we as a Council have to administer/implement. A number of these issues and suggested potential solutions are outlined in Section 3.
- 1.4 We would also like to acknowledge that the local government sector has an important role to play in reducing 'red tape' and that HCC is committed to working on and developing initiatives and processes that cut down and streamline its own rules and regulations. For example, through a review and streamlining process that commenced in January 2012, HCC has reduced its number of Council policies from 139 to 50 (this includes amalgamated policies, new policies and legislative policies). This process is still underway.
- 1.5 We would also like to note that as a fundamental premise, when rules/regulations impacting on property are being developed, that people's property rights are carefully considered, respected and protected wherever possible.
- 1.6 HCC also supports the submissions made by LGNZ and SOLGM to the Rules Reduction Taskforce.

## 2 GREATER CONSIDERATION REQUIRED WHEN INTRODUCING RULES/LEGISLATION

- 2.1 We are concerned that there does not appear to be enough consideration and rigour undertaken of the costs and benefits when central government develops rules/legislation required to be administered by councils.
- 2.2 Despite use of the Regulatory Impact Statement process for Bills and regulations to support the consideration of regulatory processes, the impact (both financial and resource) that certain rules/legislation will have on councils, as well as the subsequent flow on impact to residents and businesses, is often significant and overlooked. In our view, rule/legislation development needs great input by experienced local government practitioners.
- 2.3 Our position on this issue is therefore similar to that of LGNZ i.e.:
- *“Of equal concern is the indirect cost of rules and regulations. In particular the cost to citizens and businesses of the extensive framework of rules and regulations that govern decision-making in local authorities. The immense scale and impact of this regulatory framework, which has shown almost exponential growth over recent years, has created a complex decision-making environment that has had dramatic effects on the cost of local government and its culture, especially in the way staff and elected members approach risk”.*
  - *“Central government fails to consider the costs and benefits of its reforms on communities. Councils need greater certainty about the nature of the decision-making and accountability frameworks and they need a framework that is flexible, acknowledges risk and scale and recognises that councillors and mayors are elected on behalf of communities to exercise governance and stewardship and are accountable to those electors”.*
- 2.4 In addition to introducing more rigour at the ‘front end’ of rule/legislation development, we also recommend that some form of comprehensive monitoring and feedback mechanism be developed and implemented by central government to ascertain the impact of newly introduced rules/legislation on councils.
- 2.5 This would at least provide central government with some measure of reliable information as to how effective a particular rule or new piece of legislation was working in practice. It would also assist in identifying subsequent negative impacts on councils and those parties directly affected by implementation of the rule/legislation.

## 3 EXECUTIVE SUMMARY OF SPECIFIC ISSUES

- 3.1 The Executive Summary of specific issues focuses on the following 17 topic areas:
- **Joint and Several Liability**
  - **CodeMark Certification Scheme for Building Products**
  - **Performance-Based Building Code**
  - **Financial Assistance Package to Repair and Rebuild Properties**
  - **Building Consent Authority Accreditation**
  - **Fluoridation of a Community’s Water Supply**
  - **RMA and District Plans**
  - **Designations for Infrastructure Planning**
  - **Bylaw Consultation**
  - **Bylaw Enforcement**

- Disposal of Abandoned Vehicles under Section 356 of the LGA 2002
- Use of Bikes and Vehicles on Footpaths
- Processes for Temporary Closure of Roads
- Reserves Act 1977
- Endowment Land
- Local Health and Hygiene/Public Health Bylaws (Hairdresser, Tattooing, Body Piercing, Hair Removal, Indoor Tanning and Pedicure/Manicure
- Financial Prudence Measures/Funding Impact Statement

3.2 These topic areas are outlined in more detail below. Further detail on a number of the topic areas is also available in Appendix 1.

### 3.3 JOINT AND SEVERAL LIABILITY

3.3.1 The present Joint and Several Liability law structure disadvantages local authorities where ratepayers are covering the costs of settlements of leaky buildings and other claims.

#### 3.3.2 Potential Solution

3.3.3 Proportional Liability needs to be introduced as it has obvious merits in establishing and apportioning the liability according to the role played in the construction process. The greater the role carried out the greater the level of liability should be. In our view, the local authority is at the lower end of liability apportionment based on a limited input into the construction process.

3.3.4 We note this view is supported by MBIE with the proposed changes introduced in the form of mandatory warranties and formal contracts between owner and builder.

### 3.4 CODEMARK CERTIFICATION SCHEME FOR BUILDING PRODUCTS

3.4.1 The current CodeMark certification scheme for building products is underutilised by the building industry due to the high costs and lengthy timeframes it takes to get an application approved.

#### 3.4.2 Potential Solution

3.4.3 CodeMark presently appears to be too difficult to obtain and is not competitively priced. MBIE therefore needs to consider a model that is competitive when compared with other testing agencies and accordingly generates greater industry support.

3.4.4 A single high quality product testing regime could be mandated but it needs to be affordable, and provide for quick turnaround in terms of approval.

### 3.5 PERFORMANCE-BASED BUILDING CODE

3.5.1 While there is continued support for a performance-based Building Code that allows for high risk construction, we will all continue to suffer from poor construction systems and techniques. The quality of construction will, in many cases, cause long-term problems.

#### 3.5.2 Potential Solution

3.5.3 Identifying best practice, limiting risk by only practicing best practice in terms of prescriptive building codes, may be the better alternative. Introduction of a prescriptive Building Code will ultimately get rid of high risk products and systems.

3.5.4 Well thought out long-term solutions, in line with the 10 year liability long stop, are more desirable in terms of better solutions. Risk-based consenting is only going to open up further issues that could create another set of problems. There are already good solutions being utilised by a number of Building Consent Authorities, including our Partnership Programme.

3.5.5 The MBIE needs to further support the introduction of highly skilled 'site approved' LBPs to oversee all building sites where claddings and other critical works are being undertaken. The principle of applying the greatest skill-sets to the areas of greatest risk will assist to eradicate poor practices.

### 3.6 FINANCIAL ASSISTANCE PACKAGE TO REPAIR AND REBUILD PROPERTIES

3.6.1 The Financial Assistance Package (FAP) to repair and rebuild properties is underutilised. Under the FAP, the qualifying homeowner shares the agreed actual repair cost of repairing their home in partnership with the government and their local council, but only if the council approved the original work and is participating in the FAP. Government and council each pay 25% of the repair cost and the owner pays the remaining 50%. However, if their council didn't sign off on the building work, or has chosen not to participate in the FAP, the property owner will need to agree to pay 75% of the costs to get payments under the scheme from the Government.

3.6.2 To use the FAP, the homeowner must agree not to sue contributing councils and the government, although they can still pursue other liable parties such as builders, developers and manufacturers of defective products.

#### 3.6.3 Potential Solution

3.6.4 The FAP is meant to finish in 2016. So far, only around \$17million of \$3-\$4 billion has been used. This scheme has been in operation for the past six years. It should be discontinued and something that works better put in its place.

### 3.7 BUILDING CONSENT AUTHORITY ACCREDITATION

3.7.1 HCC and other councils that are accredited as a Building Consent Authority (BCA) are routinely assessed through a number of regular and rigorous checks/audits to ensure a consistent and high standard approach when analysing and issuing building consents.

3.7.2 For example, HCC's Building Consent staff are all highly trained people and are Regulation 18 compliant i.e. Regulation 18 of 'The Building (Accreditation of Building Consent Authorities) Regulations 2006' requires a BCA to ensure that its technical employees and contractors hold appropriate qualifications. Regulation 18 is intended to help demonstrate the competency of individuals, so each BCA can demonstrate its competency. The same rigour of processes and staff training levels for councils does not hold true for a large part of the building sector.

#### 3.7.3 Potential Solution

3.7.4 Overall, the building construction industry needs to lift its game in line with the level of risk associated to the role they play in the industry. MBIE has taken the first few steps by creating the Licensed Builders Practitioners Scheme and introducing limited warranties to protect consumers. It is now time to step up the requirements in line with the same level of rigorous audits that are applied to BCAs.

### 3.8 FLUORIDATION OF A COMMUNITY'S WATER SUPPLY

3.8.1 Currently the decision to fluoridate a community's water supply lies with councils. Due to increasing demand, councils throughout the country are being required to reconsider their decision whether or not to add fluoride to a community's water supply. This decision-making process requires considerable time, resource and cost, much of which is unbudgeted.

#### 3.8.2 Potential Solution

3.8.3 The Director of the Ministry of Health should set policy around the addition of fluoride to a community's water supply. This is inline with LGNZ's stance i.e. Local authorities, through the LGNZ annual general meeting in 2014, voted to ask Government to shift the decision for fluoridating a community's water supply to the Director General of the Ministry of Health.

### 3.9 RMA AND DISTRICT PLANS

3.9.1 There is a lack of policy direction from Central Government under the RMA, for example:

- Lack of preparation of National Policy Statements and National Environmental Standards e.g. Urban Design and Natural Hazards.
- No national standard for format and definitions for District Plans e.g. ancillary dwelling and accessory buildings.
- Ease of use of District Plans due to complexity and language.

#### 3.9.2 Potential Solution

3.9.3 Central Government needs to issue more National Policy Statements and National Environmental Standards for the development of District Plans.

3.9.4 Central Government needs to standardise format and definitions commonly used across the country.

3.9.5 Central Government needs to standardise the approach on plan provisions which are used across the country e.g. noise, network utilities, hazardous facilities, natural hazards.

3.9.6 Introduce a requirement to prepare joint plans.

### 3.10 DESIGNATIONS FOR INFRASTRUCTURE PLANNING

3.10.1 There is a disconnect between the LGA 2002 strategic infrastructure planning and RMA maximum 5 year term for long-term protection of strategic infrastructure.

#### 3.10.2 Potential Solution

3.10.3 That the RMA Designation provisions be simplified and the minimum term be increased.

### 3.11 BYLAW CONSULTATION

3.11.1 The Special Consultative Procedure (SCP) must be used if the bylaw concerns a matter that is considered significant under Council's Significance and Engagement Policy, or if the LGA 2002 or any other legislation specifically requires use of the SCP. If these thresholds are not met, Council must consult using the principles of section 82 and Section 82A. It is our experience that, for bylaws, the Section 82(2)(a)(b)(c) and (d) regime is not markedly different from the SCP regime.

### **3.11.2 Potential Solution**

3.11.3 The Rules Reductions Taskforce should consider guidelines around consultation practises that support more streamlined processes in certain circumstances, in particular in the circumstances where no change is proposed or where the views and preferences of the community are already known.

3.11.4 There is significant risk to Councils that push through new rules without adequate consultation.

### **3.12 BYLAW ENFORCEMENT**

3.12.1 Current provisions of enforcing bylaws through prosecution are complicated and time consuming.

### **3.12.2 Potential Solution**

3.12.3 Councils should be able to issue infringement notices (instant fines). However, the situations where councils should be able to issue instant fines should be limited to where public safety is highly compromised and an instant response is required. This limitation would reduce the need for any additional staff resourcing.

3.12.4 An approved national scale of infringement fees based on risk would ensure balanced administration and streamline the process of setting fees through a Long-Term Plan/Annual Plan process.

### **3.13 DISPOSAL OF ABANDONED VEHICLES UNDER SECTION 356 OF THE LGA 2002**

3.13.1 The disposal of abandoned vehicles is a cumbersome process that involves an extended period of time to complete with significant staff time incurred.

### **3.13.2 Potential Solution**

3.13.3 Review this section of the LGA with a view to substantially reducing the tasks and time needed to complete the process of notification and disposal. There could be specific requirements for situations:

- Where a vehicle is not registered or does not have a Warrant of Fitness and is clearly not wanted or of use to the owner i.e. it has no value.
- Where the vehicle has some value.

### **3.14 USE OF BIKES AND VEHICLES ON FOOTPATHS**

3.14.1 The Road User Rules of the Transport Act do not adequately address current customs for reasonable use or parking of bikes or different vehicles such as a Segway or small motor scooters on footpaths.

### **3.14.2 Potential Solution**

3.14.3 Review the Road User Rule in regard to use of bikes and motorised vehicles on footpaths to bring it into line with common use and to address the definitions for the full range of motorised vehicles. Also look ahead to more practicality in the use of bikes on footpaths with some practical guidance as to reasonable use (speed etc.).

### 3.15 PROCESSES FOR TEMPORARY CLOSURE OF ROADS

3.15.1 The process to approve the temporary closure of a road is included in both the LGA Schedule 10 and in the Transport Regulations (Transport Act). The requirements of these two pieces of legislation are different in many aspects.

#### 3.15.2 Potential Solution

3.15.3 Review this section of the LGA (Schedule 10 1974 LG Act) and check against alignment with the Transport Regulations that cover similar activities.

### 3.16 RESERVES ACT 1977

3.16.1 The Act is out-dated, overly restrictive and there is room for efficiency gains.

#### 3.16.2 Potential Solution

3.16.3 Review the Reserves Act to provide for modern means of communication; to identify changes that will achieve efficiency gains, avoid duplication of decision-making and process, provide greater flexibility and opportunities for local authorities to promote enjoyment of reserves and to provide greater autonomy to local authorities, without losing sight of the tenor of the legislation. It is suggested the review encompass the entire Act.

### 3.17 ENDOWMENT LAND

3.17.1 The legislation governing Local Government endowment assets is complex, inflexible, and difficult to interpret (Hamilton Domain Endowment Act 1979; Local Government Act 2002). Considerable staff time and legal cost is consumed attempting to understand what is, and is not, permitted by the relevant legislation.

#### 3.17.2 Potential Solution

3.17.3 Review relevant sections of the LGA 2002 (Section 140 and 141) and Hamilton Domain Endowment Act 1979 to:

- Update and clarify the intention and purpose of Local Government endowment.
- Broaden the way in which endowment capital and income can be deployed to better facilitate public benefit.

### 3.18 LOCAL HEALTH AND HYGIENE/PUBLIC HEALTH BYLAWS (HAIRDRESSERS, TATTOOING, BODY PIERCING, HAIR REMOVAL, INDOOR TANNING AND PEDICURE/MANICURE)

3.18.1 Currently these range related services and practices (other than hairdressing) are not regulated by legislation at the national level. Accordingly, various councils across New Zealand have separately and ineffectively developed and implemented bylaws to locally regulate these services and practices.

#### 3.18.2 Potential Solution

3.18.3 New national regulation should be provided to clarify and standardise the regulation of these services and practices. The Health (Hairdressers) Regulations 1980 should be reviewed to reduce costs to applicants and regulators.

### 3.19 FINANCIAL PRUDENCE MEASURES/FUNDING IMPACT STATEMENT

3.19.1 While we do not necessarily agree with the definition of some of the mandatory financial prudence measures, we acknowledge that the requirement to include such measures in Long Term Plans and Annual Plans is useful as they provide an important comparison mechanism across all councils.

3.19.2 However, we would like to emphasise the need to reduce the sheer volume of compliance reporting in Long Term Plans and Annual Plans in order to provide more useful information to readers/users. The Funding Impact Statement (FIS) is an example of additional reporting that adds to the overall volume of these documents, making it more likely that readers/users will 'shy away' from reading the financial reporting sections.

#### 3.19.3 Potential Solution

3.19.4 Given that Statements of Service Performance also require an audited summary of costs, the requirements of the Local Government Act 2002 to include a FIS in the Long Term Plan and Annual Plan appears to be a redundant extra and should therefore be removed.

## 4 FURTHER INFORMATION

4.1 Should the Rules Reduction Taskforce require clarification of the feedback raised by Hamilton City Council, or additional information, please contact Blair Bowcott (General Manager Performance) on 07 958 5987, email [blair.bowcott@hcc.govt.nz](mailto:blair.bowcott@hcc.govt.nz) in the first instance.

Yours faithfully



Richard Briggs  
**CHIEF EXECUTIVE**

Although HCC's feedback to the Rules Reduction Taskforce has been circulated to Council's Elected Members for consideration and comment, it has not been adopted through the formal committee process. HCC's feedback to the Rules Reduction Taskforce is to be considered and adopted retrospectively at the 7 July 2015 Strategy and Policy Committee meeting. We will advise you after this meeting if HCC makes any changes to its feedback.

## APPENDIX 1

## FURTHER DETAIL ON TOPIC AREAS RAISED IN HCC'S FEEDBACK TO THE RULES REDUCTION TASKFORCE

**1. JOINT AND SEVERAL LIABILITY****Problem Statement**

The present Joint and Several Liability law structure disadvantages local authorities where ratepayers are covering the costs of settlements of leaky buildings and other claims.

**Consequences of the Problem**

Local authorities are involved in nearly every leaky claim on the basis of their statutory role as a Building Control Authority (BCA). BCAs have a unique role as the consenting approver in every case and are therefore automatically a party to the construction process and a prime target for claimants.

Joint and Several Liability often results in the local authority being the only solvent respondent and therefore making the greatest or total contribution in any claim. BCAs have no access to affordable insurance to cover leaky building claims as this ran out many years ago.

The flow on effects have resulted in local authorities becoming very risk averse in the consenting and compliance process and unwilling to consider alternative solutions on the basis of the perceived greater risk in the event something goes wrong. This risk-based attitude slows down the consenting process, affecting applicants and does not support a performance-based Building Code regime. This in turn leads to higher costs in consenting and inspections for applicants where the local authority needs to carry out greater due diligence when approving the consent and construction of the building.

**Potential Solution**

Proportional Liability needs to be introduced as it has obvious merits in establishing and apportioning the liability according to the role played in the construction process. The greater the role carried out the greater the level of liability should be. In our view, the local authority is at the lower end of liability apportionment based on a limited input into the construction process.

We note this view is supported by MBIE with the proposed changes introduced in the form of mandatory warranties and formal contracts between owner and builder.

In conjunction with the introduction of Proportional Liability, MBIE needs to ensure a robust and dependable warranty system for building owners. The present warranty system and mandatory contract for new buildings goes part way, but a 12 month warranty period is inadequate in terms of protecting the interests of the building owner. If Licensed Building Practitioner (LBPs) are truly to be held to account for poor workmanship resulting in building faults that cause a loss to the building owner, then align the warranty with the 10 year liability period that applies to local authorities and others.

**2. CODEMARK CERTIFICATION SCHEME FOR BUILDING PRODUCTS****Problem Statement**

The current CodeMark certification scheme for building products is under-utilised by the building industry due to the high costs and lengthy timeframes it takes to get an application approved.

#### **Consequences of the Problem**

CodeMark was set up as a product certification scheme recognised by industry as the benchmark that could be relied on to meet high quality standards and the requirements of the Building Code.

As CodeMark is not widely utilised by the building industry, it fails to fulfil the purpose it was originally set up for i.e. the principal product certification scheme that would be widely supported by industry. The cost of getting a product approved for CodeMark is very high compared with some other product testing agencies. Also, the timeframe is much longer than with some other testing agencies.

Because of the high cost many manufacturers will choose to have their products and systems tested off-shore or by cheaper testing agencies. In many cases this results in unreliable, poor quality testing that often does not meet the standard expected by BCAs and other stakeholders.

Stakeholders, and in particular BCAs, are forced to carry out greater vigilance in assessing products/systems that are not CodeMark and may have been tested by agencies to a less robust and reliable standard. Consequently BCAs are forced to expend more time and resources in processing building consents without complete reassurance of robust product certification. This in turn delays the consenting process and drives the cost up for building consent applicants.

#### **Potential Solution**

It is recognised that CodeMark is of particular benefit to manufacturers, suppliers of products and end-users. CodeMark can also give product manufacturers a clear marketing advantage.

Supporting a product certification scheme that is based on a robust, highly reliable and quality based model gives BCAs and other stakeholders absolute assurance for approval and product selection purposes.

CodeMark presently appears to be too difficult to obtain and is not competitively priced so MBIE needs to consider a model that is competitive when compared with other testing agencies and accordingly generates greater industry support.

A single high quality product testing regime could be mandated but it needs to be affordable, and provide for quick turnaround in terms of approval.

### **3. FLUORIDATION OF A COMMUNITY'S WATER SUPPLY**

#### **Problem Statement**

Currently the decision to fluoridate a community's water supply lies with councils. Due to increasingly demand, councils throughout the country are being required to reconsider their decision whether or not to add fluoride to a community's water supply. This decision-making process requires considerable time, resource and cost, much of which is unbudgeted.

#### **Consequences of the Problem**

Fluoridation of public water supplies is a contested issue, with polarised views both in support and opposed to the matter. A decision to add or remove fluoride to a water supply creates considerable community division and debate. The sources of information available on the pros and cons of fluoridation are many and varied including a vast amount of technical and scientifically verifiable information. Subsequently councils can spend a significant amount of time and resource to understand fully the issues, the community views and to reach a decision.

Council decisions and decision-making processes are increasingly under challenge from key organisations e.g. New Health New Zealand Incorporated versus South Taranaki District Council and Safe Water Alternative NZ Inc. (SWANZ) versus Hamilton City Council.

Whether successfully defended or settled outside of the court process, the cost to councils and residents can be substantial.

#### **Potential Solution**

The Director of the Ministry of Health should set policy around the addition of fluoride to a community's water supply. This is inline with LGNZ's stance i.e. Local authorities, through the LGNZ annual general meeting in 2014, voted to ask Government to shift the decision for fluoridating a community's water supply to the Director General of the Ministry of Health.

#### **4. RMA AND DISTRICT PLANS**

- National Policy Statements.
- National Environmental Standards.
- Standard Format and Definitions.
- Ease of use of District Plan.

#### **Problem Statement**

Lack of policy direction from Central Government under the RMA, for example:

- Lack of preparation of National Policy Statements and National Environmental Standards e.g. Urban Design, Natural Hazards.
- No national standard for format and definitions for District Plans e.g. ancillary dwelling and accessory buildings.
- Ease of use of District Plans due to complexity and language.

#### **Consequences of the Problem**

- Inconsistent approach between local authorities making it difficult for developers, architects and surveyors working with a number of different councils.
- Costly and repetitive processes required by all local authorities to work through the same issues at a cost to the ratepayers.
- Costly for end users and community to submit, attend hearings, appeal decisions.
- One plan may require resource consents in one authority but not in another, which causes time and costs for end users i.e. developers.
- Confusion to end users e.g. developers using more than one plan requiring additional cost to work through more than one plan.

#### **Potential Solution**

- Central Government to issue more National Policy Statements and National Environmental Standards for the development of District Plans.
- Central Government to standardise format and definitions commonly used across the country.
- Central Government to standardise approach on plan provisions which are used across the country e.g. noise, network utilities, hazardous facilities, natural hazards.
- Requirement to prepare joint plans.

#### **5. DESIGNATIONS FOR INFRASTRUCTURE PLANNING**

##### **Problem Statement**

There is a disconnect between LGA 2002 strategic infrastructure planning and RMA maximum 5 year term for long-term protection of strategic infrastructure.

HCC develops structure plans that go through a reasonably rigorous exercise to confirm land use and associated transport network provisions for adoption in its District Plan. This process however is not sufficient to avoid development or land activities that constrain or inhibit the delivery of future strategic transport corridors.

HCC uses the RMA designation process to secure long-term planning provisions for these corridors (arterial networks).

The current standard for lapse period (maximum 5 years) limits the ability to protect and plan for long-term strategic infrastructure.

#### **Consequences of the Problem**

Three issues that relate to the exercise of designating to secure long term strategic transport corridor provisions:

- The cost uncertainty under an RMA process to plan and protect long-term strategic infrastructure.
- The current standard for lapse period (maximum 5 years) is too short and is can be challenging to get a lapse period longer than this.
- Giving effect to the designation and addressing affected parties concerns, especially for a long lapse period.

#### **Potential Solution**

That the RMA Designation provisions be simplified and the minimum term be increased.

### **6. BYLAW CONSULTATION**

#### **Problem Statement**

The LGA 2002 contains provisions empowering Council to make bylaws and Section 156 outlines the consultation requirements when making, amending or revoking bylaws.

The SCP must be used if the bylaw concerns a matter that is considered significant under Council's Significance and Engagement Policy, or if the LGA 2002 or any other legislation specifically requires use of the SCP. If these thresholds are not met, Council must consult using the principles of section 82 and Section 82A. It is our experience that, for bylaws, the Section 82(2)(a)(b)(c) and (d) regime is not markedly different from the SCP regime.

Council believes that the intention of changes to Section 156 was to create streamlined procedures when reviewing bylaws, especially in the case where bylaws require minor updating or no changes are proposed. However, to meet the requirements of Section 82, Council still has to follow a rigorous process of consultation, which is sometimes not necessary.

#### **Consequences of the Problem**

Consultation processes are time consuming, resource intensive and costly. This time, cost and energy can be of limited value when the views of the public are inherently polarised or when there are minimal or no changes to the proposed plan, policy or bylaw.

#### **Potential Solution**

The Rules Reduction Taskforce should consider guidelines around consultation practises that support more streamlined processes in certain circumstances, in particular in the circumstances where no change is proposed or where the views and preferences of the community are already known.

Council believes this was the intention of the changes to legislation and firm guidance would provide councils with confidence to pursue more efficient processes without the risk of legal challenge or judicial review.

There is significant risk to councils that push through new rules without adequate consultation.

## 7. **BYLAW ENFORCEMENT**

### **Problem**

Pursuant to Local Government Act 2002, local authorities are permitted to make bylaws under both general and specific powers conferred by sections 145 and 146-148 of the Act. However, the only allowable penalty for breaches under most bylaws is a fine of up to \$20,000 following a summary prosecution (Public Places Bylaw, Safety in Public Places Bylaw, Open Air Burning Bylaw as examples). It is a complicated and time intensive prosecution process to achieve and does not bring immediacy to the resolution of the offending.

### **Consequences of the Problem**

The purpose of a bylaw under Section 145 is for one or more of the following purposes:

- (a) Protecting the public from nuisance.
- (b) Protecting, promoting, and maintaining public health and safety.
- (c) Minimising the potential for offensive behaviour in public places.

A graduated scale of responses is generally employed when responding to such behaviours ranging from awareness and education at the lowest end, through seeking positive compliance and issuing warnings right up to enforcement action. However, enforcement action only occurs when all passive responses have failed, but this is a drawn out process that will not bring immediacy to the curtailing of offending behaviour. Various steps involved are to swear on information in Court, then relocate the offender and serve a summons upon that person to appear in Court on a given date, engage legal Counsel to represent Council and initiate the prosecution for a likely outcome of a very low level fine. In short, if the behaviours do not reach a threshold for Police intervention then there is no ability to take immediate actions.

Such an approach is both time consuming for staff involved, but also incurs significant cost both in terms of lost productivity and for legal costs.

### **Potential Solution**

Councils should be able to issue infringement notices (instant fines). However, the situations where councils should be able to issue instant fines should be limited to where public safety is highly compromised and an instant response is required. This limitation would reduce the need for any additional staff resourcing.

An approved national scale of infringement fees based on risk would ensure balanced administration and streamline the process of setting fees through a Long-Term Plan/Annual Plan process.

## 8. **DISPOSAL OF ABANDONED VEHICLES UNDER SECTION 356 OF THE LGA 2002**

### **Problem Statement**

The disposal of abandoned vehicles (under Section 356 of LGA 2002) is a cumbersome process that involves an extended period of time to complete with significant staff time incurred. The Road Controlling Authority (RCA) is required to contact the registered owner and notify them of the vehicle situation and seek the owner's action to resolve prior to removing the vehicle.

In the meantime, there are unsightly and often aged vehicles that are in a state of disrepair parked on roadsides adding to nuisance to residents.

Many abandoned vehicles are unregistered and do not have a Warrant of Fitness.

### **Consequences of the Problem**

The consequences include:

- Nuisance to residents where an abandoned vehicle is parked.
- Unsightly or unsafe vehicles become a target for tagging, theft or other antisocial behaviour.

- Vehicles parked for extended periods become a hindrance to road maintenance activities.
- Vehicle owners do not respond to communication.
- A public notification process is required to be followed regarding disposal

#### **Potential Solution**

Review this section of the LGA 2002 with a view to reducing substantially the tasks and time needed to complete the process of notification and disposal. There could be specific requirements for situations:

- Where a vehicle is not registered or does not have a Warrant of Fitness and is clearly not wanted or of use to the owner i.e. it has no value.
- Where the vehicle has some value.

### **9. USE OF BIKES AND VEHICLES ON FOOTPATHS**

#### **Problem Statement**

The Road User Rules of the Transport Act cover the definition of vehicles and bikes and the Rules do not adequately address current customs for use or parking of bikes or different vehicles (such as a Segway) on footpaths. The parking of small motor scooters (such as a Vespa) is also illegal and some relaxation of this would seem appropriate for modern transport modes. Currently, children over 12 years old are not legally entitled to ride a bike on a footpath.

#### **Consequences of the Problem**

There are offences committed for a variety of minor and miscellaneous uses of small motorised vehicles on footpaths.

- Safety of footpath users could be affected.
- Inconvenience to scooter riders who may be collecting/delivering a small parcel to a shop and the nearest regular roadside parking space is some way off.
- Parking infringements are incurred to the annoyance of those affected.
- Riding a bike on the footpath by an adult may incur a police infringement at some annoyance and dismay by the person affected.
- Parents drive their child to school rather than allow the child to ride on the basis that riding on the roadway is unsafe and riding on the footpath is illegal. This adds to congestion, especially near the school gates.

#### **Potential Solution**

Review the Road User Rule in regard to use of bikes and motorised vehicles on footpaths to bring it into line with common use and to address the definitions for the full range of motorised vehicles. Also look ahead to more practicality in the use of bikes on footpaths with some practical guidance as to reasonable use (speed etc.).

### **10. PROCESSES FOR TEMPORARY CLOSURE OF ROADS**

#### **Problem Statement**

The process to approve the temporary closure of a road is included in both the LGA 2002 Schedule 10 and in the Transport Regulations (Transport Act). The requirements of these two pieces of legislation are different in many aspects.

Clause 11 of Schedule 10 LGA 1974 contains a number of limitations that are restrictive, possibly out-dated and cause administrative problems when objections are notified from affected parties (such as the number of market days in shopping centres cannot exceed 31 in any year). Often objections can be commercially based or subjective and delays or cancellation of events become necessary.

The power for Council to delegate to a Chairperson or officer is restricted in some activities.

**Consequences of the Problem**

- There are risks that a popular community event (such as a parade or celebration) cannot be held as sufficient notice has not been available.
- Customers, who would otherwise attend an event are disappointed.
- It is easy for someone to object.
- Events may be cancelled or become too difficult to pursue.
- Special Council meetings are needed to be called to approve a request if the advance notice period as set out in the Transport regulations is not complied with.

**Potential Solution**

Review this section of the LGA 2002 (Schedule 10 1974 LG Act) and check against alignment with the Transport Regulations that cover similar activities.

**11. RESERVES ACT 1977****Problem Statement**

The Act is out-dated, overly restrictive and there is room for efficiency gains.

**Consequences of the Problem**

The consequences include:

**Public Notice**

Currently the public notification provisions of the Act require publication in the local newspaper. In the contemporary online/social media environment, the value of formalised Public Notices in newspapers is diminishing. Members of the public increasingly go online for information, and to make comment on plans or reviews being undertaken by councils. In Hamilton City Council's recent experience, Facebook, Twitter and websites prove effective in relaying information on Reserves Act matters to our public and stakeholders. In our view, the Act should recognise modern means of communication and provide greater flexibility to avoid frivolous public notification.

**Duplication**

There is room for efficiency gains. By way of example, the Act includes mandatory requirements for public notification. Local authorities have consultation obligations under the Local Government Act 2002 (LGA). The Act should provide discretion for local authorities to decide on the need for public notice based on merits of the case, to avoid duplicating consultation, saving time and money.

Another example is the requirement to classify all reserves, including reserves created on vesting as part of subdivision under the Resource Management Act 1991. The requirement to continually classify reserves on vesting creates an administrative burden on local authorities and an unnecessary duplication of effort that could be avoided by automatic classification on vesting for the purpose for which they vested.

**Powers of Administering Body**

In many cases local authorities do not have the ability to uptake opportunities that maximise use and enjoyment of reserves and provide community benefit. By way of example, the provisions on what can be done on the different types of reserves and the powers available to the local authority for those types of reserves are overly restrictive, in particular provisions relating to commercial activity where the test does not anticipate a benefit wider than a particular reserve, and leasing for local purpose reserves.

This restrictiveness causes an inability for council to uptake opportunities to partner with private enterprise, or to enable commercial activity on reserves, which may encourage use and enjoyment of reserves and or benefit the wider community.

In the current environment where funding and rates are issues, there is lost opportunity for Council to use reserve land for commercial purposes to generate more revenue whilst maintaining the integrity of reserves.

In our view, restrictions on use and powers should be maintained to not lose sight of the tenor of the legislation. But restrictions should be loosened to provide greater flexibility and opportunities where there is wider community benefit, particularly in relation to commercial activities on reserves.

In some circumstances, there are Council-owned recreation or local purpose reserves that are no longer required. Currently the Minister holds the power to revoke the reservation over such reserves. In our view, these should be able to be more readily disposed of, without reference to the Minister and noting Council's consultation obligations under the LGA. This would provide efficiency gains and provide local authorities more autonomy to make decisions in relation to reserves owned by Council. We support retention of the Ministers power for a decision on other reserve classes or non Council-owned reserves.

#### **Potential Solution**

Review the Reserves Act to provide for modern means of communication; to identify changes that will achieve efficiency gains, avoid duplication of decision-making and process, provide greater flexibility and opportunities for local authorities to promote enjoyment of reserves and to provide greater autonomy to local authorities, without losing sight of the tenor of the legislation. It is suggested the review encompass the entire Act.

## **12. ENDOWMENT LAND**

### **Problem Statement**

The legislation governing Local Government endowment assets is complex, inflexible, and difficult to interpret (Hamilton Domain Endowment Act 1979; Local Government Act 2002). Considerable staff time and legal cost is consumed attempting to understand what is, and is not, permitted by the relevant legislation.

### **Consequences of the Problem**

Application of the capital and income of endowment assets is overly restrictive. It does not allow Council to freely invest endowment funds in development where a public good is the principal objective, or to liquidate the endowment asset and readily deploy the proceeds of sale elsewhere for appropriate public benefit.

### **Potential Solution**

Review relevant sections of the LGA 2002 (Section 140 and 141) and Hamilton Domain Endowment Act 1979 to:

- Update and clarify the intention and purpose of Local Government endowment.
- Broaden the way in which endowment capital and income can be deployed to better facilitate public benefit.

**13. LOCAL HEALTH AND HYGIENE/PUBLIC HEALTH BYLAWS (HAIRDRESSERS, TATOOING, BODY PIERCING, HAIR REMOVAL, INDOOR TANNING AND PEDICURE/MANICURE)**

**Problem Statement**

The Health Act 1956 sets out the general powers and duties of local authorities in respect of public health. These include the duty of every local authority to “improve, promote and protect public health within its district”.

The registration of hairdressers with local authorities is required under the Health (Hairdressers) Regulations 1980 and Health (Registration of Premises) Regulations 1966, regulations which are both pursuant to the Health Act 1956. However, the need to have to register hairdressers for public health reasons is no longer necessary. The products used and practices employed do not pose a health risk proportionate with the need to regulate.

Currently a range related services and practices such as hairdressers, tattooing, body piercing, hair removal, indoor tanning and pedicure/manicure are not regulated by legislation at the national level. Accordingly, various councils across New Zealand have separately developed and implemented bylaws to regulate these services and practices. Auckland Council, for example, has recently implemented the Health and Hygiene Bylaw and Code of Practice 2013 to ensure that commercial services, and premises, like tattooing, body piercing, hair removal, indoor tanning and pedicure/manicure are not potentially harmful for the health of the community.

**Consequences of the Problem**

The consequences include:

- Inefficient bylaw development across various local authorities.
- Varying by law content across the country on these matters.
- Patchy local public health regulation of associated industries.
- Undue Regulatory and cost burden on local authority and hairdressers.

**Potential Solution**

New national regulation should be provided to clarify and standardise the regulation of these services and practices. The Health (Hairdressers) Regulations 1980 should be reviewed to reduce costs to applicants and regulators.

**Committee:** Strategy & Policy Committee      **Date:** 07 July 2015  
**Report Name:** Action List for 7 July 2015;      **Author:** Blair Bowcott  
Actions Still Underway or  
Pending for HCC submissions  
to External Organisations; and  
Policy & Bylaw Review  
Scheduling

<b>Status</b>	<i>Open</i>
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#### **Recommendation**

That the Report be received.

#### **1. Attachments**

2. Attachment 1 - Strategy and Policy Committee - Action List for 7 July 2015
3. Attachment 2 - Actions Still Underway or Pending for HCC Submissions to External Organisations
4. Attachment 3 - Policy & Bylaw Review Scheduling



Strategy and Policy Committee - Action List at 29 June 2015

D-1330420

Meeting Date	Item	GM Responsible	Action	Status
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	Deferred to align with CCTP schedule (via Business and Investment Subcommittee)	In progress
28-Nov-13	Develop and recommend a strategy to optimise use of the Municipal Endowment Fund and Domain Endowment Fund	E&ED	Deferred to align with CCTP schedule (via Business and Investment Subcommittee)	In Progress
26-Jun-2014	Public Art Panel and Arts Forum Terms of References	Performance	The Arts Forum Advisory Panel is aiming to complete a review of the Arts Agenda for August/September 2015.	In progress
18-Mar-14	Public Art Update (Passing Red Sculpture) - Hinemoa Park	Community	The artwork will be relocated to the former Horotiu Landfill site - adjacent to proposed Te Awa Cycleway in July 2015. Installation will be coordinated with construction of the Cycleway. No funding for Hinemoa Park redevelopment in 10-Year Plan	In progress
30-Apr-14	Wairere Drive to Cobham Connection	Community	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 / Community	Strategy to be referred to the Community Forum Subcommittee, following receipt of Panel's submission for the LTP. Sustainability report was circulated to the Community Forum Subcommittee in Early June 2015 at the request of the Chair of the Community Forum Subcommittee. The Sustainability report can be considered at the August Community Forum Subcommittee.	In progress
16-Jul-14	Zoo Strategic Review - Zoo Master Plan	E&ED	The Working Group will reconvene in August, followed by a Council Briefing, before being reported back to S&P Committee on 3 November 2015.	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 Subcommittee.	In progress
	Frankton Neighbourhood Plan	City Environments	Working Group convened comprising Her Worship the Mayor, Cr O'Leary (Chair) and Cr Gallagher. Working Group to report back to Strategy and Policy Committee on 11 August 2015.	In progress
19-Nov-14	Cemeteries Draft Management Plan	Community	Proposed plan will be presented to 7 July Committee meeting for adoption.	In progress
24-Feb-15	Wairere Drive/Huntington Drive (west) intersection	Infrastructure	a. Staff to consult further with the Huntington community on minor safety management measures; and b. Staff continue monitoring the safety performance of the intersection.	In progress  Staff met with the petition organisers on 11 June and presented the proposed options for improvements to the intersection. Staff are now developing a survey via survey monkey to use for community feedback on the options. The survey will be tested with the petition organisers before releasing to the community.
24-Feb-15	Social Housing Strategy	Community	To provide progress report to the Committee on strategy development by 11 August 2015.	In progress
24-Feb-15	Liquor Licensing Policy	Performance	A full briefing to be provided to Elected Members before the Policy comes before Council again. Presentation delivered at 12 May Briefing. Working Group to reconvene with all Elected Members to be invited. Date to be scheduled.	In progress.
08-Apr-15	Waikato Expressway	Infrastructure	Staff to present an update on the MOU between NZTA, Hamilton City Council, Waikato District Council and Tainui at the 7 July Strategy & Policy Committee meeting. A Multi Party Funding Agreement (MPFA) that defines cost responsibility to deliver the Resolution Drive interchange to be presented at the 23 July 2015 Finance Committee	In progress
08-Apr-15	Hamilton Lake Domain - Reserve Management Plan Review	Community	First stage consultation completed, over 50 submissions received. Staff to present to Briefing prior to reporting back to the Committee with a draft Management Plan for endorsement for public consultation.	In progress
08-Apr-15	Community Facilities Report	Community	Report deferred until September 2015, to ensure it aligns to the Libraries Facilities Plan, and the annual plan process.	In progress
08-Apr-15	Waikato Museum Strategic Review	Community	Staff to track costs in completing the review.	In progress
26-May-15	Biking Plan (Cycleways)	Infrastructure	Staff to: a. report final Plan back to 11 August 2015 S&P Committee meeting, following further public engagement; and b. recommend a 10-year spending plan for cycling and report back to the Committee.	In progress
26-May-15	Older Persons Plan	Community	Staff to provide six-monthly progress reports through the Community Forum Subcommittee. First report will be presented to the Community forum at their meeting on 11 November 2015.	Ongoing
26-May-15	Heitage Plan and Fund Guidelines	City Environments	Staff to: a. track progress of the Government's plans in relation to earthquake strengthening; b. seek feedback from faith and community groups on the draft Plan and Guidelines; c. report back to the 3 November 2015 Committee meeting with a final Plan and Guidelines.	In progress
26-May-15	Public Art Subcommittee	Performance	Terms of Reference for a Public Art Subcommittee to be reported to the 7 July Committee meeting.	In progress

**ACTIONS STILL UNDERWAY OR PENDING FOR HCC SUBMISSIONS TO EXTERNAL ORGANISATIONS: 7 JULY 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 26/6/15**

**Submissions Removed – Process now Complete**

- # 426 - WEL Energy Trust's 2015-2016 Draft Annual Plan (submission sent to WEL Energy Trust on 19/3/15).

**New Submissions Added**

- Addition to # 404 - Building (Earthquake-Prone Buildings) Amendment Bill: Interim Report of the Local Government and Environment Committee.
- Addition to # 423 - 'Using Land for Housing' (Draft Report, 17 June 2015): New Zealand Productivity Commission.

Note: The following schedule identifies submissions made by HCC to external organisations since April 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 26 May 2015 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
386B	Alteration to Designation for the Waikato Expressway – Hamilton Section Website no longer available	Waikato District Council	18/12/13	Final submission considered and retrospectively approved on 5/2/14.	<p>Waikato District Council and HCC 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 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 the NZTA as the Requiring Authority.</p> <p>The NZTA 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 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. HCC advised the Environment Court that HCC agreed to participate in mediation of the appeal in the first instance. The NZTA has yet to reach settlement with Appellant B.</p> <p>The NZTA was unable to resolve the appeal with Appellant A through direct negotiation,</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
					<p>so Court-assisted mediation occurred on 25 May 2015, which two HCC staff members attended. It is unclear whether settlement was reached; the Court has yet to confirm any settlement.</p> <p>The NZTA's decisions (dated 8 July 2014) on its Notices of Requirement for Alteration U (Resolution Drive Interchange) and Alteration Z (Southern Interchange) included a lapse date for each of these designations of 31 May 2015, which was consistent with the then lapse date for the existing designations for the Waikato Expressway Hamilton Section.</p> <p>Earlier this year, the NZTA applied to HCC and Waikato District Council for, and was granted, an extension of the lapse date to July 2022 for the latter designations. However, the NZTA was unable to seek to vary the lapse dates for Alterations U and Z at the same time, because those Alterations were still subject to appeal.</p> <p>On 28 May 2015, the NZTA lodged an appeal with the Environment Court to extend the lapse dates for Alterations U and Z. On 17 June 2015, HCC lodged with the Court a notice to become a Section 274 party in support of this appeal. Appellant A has lodged a similar notice, but in opposition to the Appeal and the NZTA's associated application for a waiver of the requirement that its appeal is lodged within a particular time. The Court has scheduled a judicial telephone conference for 2 July 2015.</p>
398	<p>HCC's and the NZ Transport Agency's Notices of Requirement to the Southern Links Project</p> <p><a href="http://www.waipadc.govt.nz/HamiltonSouthernLinks">http://www.waipadc.govt.nz/HamiltonSouthernLinks</a></p>	<p>Waikato District Council, Waipa District Council and Hamilton City Council</p>	28/2/14	<p>Final submission considered and retrospectively approved on 18/3/14.</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>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
					<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.</p> <p>The NZTA's decisions on the Commissioners' recommendations regarding the NZTA's requirements were issued in December 2014. Two parties have appealed aspects of the NZTA's decisions. HCC (as territorial authority) has not appealed and will not become a Section 274 party to these appeals. HCC (as Requiring Authority and the NZTA's Southern Links project partner) submitted a notice to become a Section 274 party to one of the appeals. <b>Negotiations between the NZTA and this appellant are continuing. The Court has issued a minute requiring the NZTA to submit to it a reporting memorandum by 30/6/15.</b></p>
404	<p><b>Building (Earthquake-Prone Buildings) Amendment Bill</b>  <a href="http://www.parliament.nz/en-nz/pb/legislation/bills/DODDBHOH_BILL12960_1/building-earthquake-prone-buildings-amendment-bill">http://www.parliament.nz/en-nz/pb/legislation/bills/DODDBHOH_BILL12960_1/building-earthquake-prone-buildings-amendment-bill</a></p>	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>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> <p>The Local Government and Environment Select Committee is now scheduled to report back on this Bill to Parliament by 30/7/15 (the previous committee was originally scheduled to report back to Parliament on 5/9/14 – this was then extended to 30/3/15).</p> <p>On 10 May 2015, the Government announced major changes to how quickly earthquake-prone buildings will need to be assessed and strengthened to "better target regulations on buildings where location, use and type pose the greatest risk to life".</p> <p>The four significant changes to the policy are:</p> <ul style="list-style-type: none"> <li>• Varying the timetable for strengthening relative to earthquake risk.</li> </ul>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
					<ul style="list-style-type: none"> <li>• Prioritising education and emergency buildings for strengthening.</li> <li>• Reducing the number of buildings requiring assessment.</li> <li>• Introducing new measures to encourage earlier upgrades.</li> </ul> <p>Building and Housing Minister Dr Nick Smith says the changes will reduce the number of buildings that would require assessment from an estimated 500,000 to 30,000, and bring down the total estimated cost from \$1,360 million to \$777 million. Currently buildings that could be a risk need to be assessed within five years, with any strengthening carried out within 15 years.</p> <p>The country will now be split into 3 zones according to the risk of a big earthquake, and the timeframes for assessment and strengthening vary accordingly i.e.:</p> <ul style="list-style-type: none"> <li>• <b>High Risk Zone</b> – including Gisborne, Napier/Hastings, Palmerston North, Wellington, Blenheim, and Christchurch (will keep the existing timeframe of assessment within five years and strengthening within 15 years).</li> <li>• <b>Medium Risk Zone</b> – including Hamilton, Tauranga, Rotorua, New Plymouth, Wanganui, Nelson, Invercargill and Timaru.</li> <li>• <b>Low Risk Zone</b> – including Northland, Auckland, Oamaru and Dunedin.</li> </ul> <p>The Government has also confirmed that the earthquake-prone building definition as being less than 34% of the new building standard, a 10-year extension for listed heritage buildings, and exemptions from strengthening for low risk, low occupancy buildings, would remain in the policy.</p> <p>As Hamilton has been classed as 'medium risk', buildings will have 10 years to be assessed and 25 years to be strengthened under the proposed policy. Many of Hamilton's buildings have already been assessed by engineers and it is unlikely they will be subject to any further assessment.</p> <p>The return period for a significant earthquake (MM8) ranges from 120 years in Wellington, to 720 years in Christchurch, to 1700 years in Dunedin, and only once every 7,400 years in Auckland. Education and emergency buildings (e.g. hospitals) will be targeted by requiring that in high and medium seismic risk areas they be identified and strengthened in half the standard time.</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
	<p><b>Building (Earthquake-Prone Buildings) Amendment Bill - Interim Report of the Local Government and Environment Committee</b></p> <p><a href="http://www.legislation.govt.nz/bill/government/2013/0182/latest/versions.aspx">http://www.legislation.govt.nz/bill/government/2013/0182/latest/versions.aspx</a></p> <p><a href="http://www.parliament.nz/resource/en-nz/51DBSCH_SCR63267_1/b48e2b01669564a6e9c9e6a7f02bbb55ae768006">http://www.parliament.nz/resource/en-nz/51DBSCH_SCR63267_1/b48e2b01669564a6e9c9e6a7f02bbb55ae768006</a></p>	Local Government and Environment Select Committee	Submissions close on 16/7/15.	TBC	<p>The passage of the Building (Earthquake-Prone Buildings) Amendment Bill has progressed with release of an interim report back to the House by the Local Government and Environment Committee on 23/6/15.</p> <p>The Bill has run into considerable difficulties due to its complexity and also the need to apply its provisions to a wide range of structures and circumstances.</p> <p>In its <b>report</b>, the Committee notes that it had received advice from the Ministry of Business, Innovation and Employment, the Parliamentary Counsel Office, and the Regulations Review Committee. As a result of that process, and in response to the issues raised by submitters, it was considering a range of potential changes to the original Bill.</p> <p>The Committee is particularly interested to receive written submissions on the following issues:</p> <ul style="list-style-type: none"> <li>• The timeframes for the identification and remediation of earthquake-prone buildings to be based on the seismic risk of the area, and with reference to Z factors.</li> <li>• Reducing the scope of buildings to be covered by the Bill, such as excluding farm buildings, bridges, and tunnels, and whether to include only buildings determined as earthquake prone on the public register (instead of all buildings) and their earthquake rating.</li> <li>• The prioritisation of certain buildings in areas of medium and high seismic risk. These buildings would include hospitals, schools, and emergency response facilities. The applicable timeframe would be halved for the identification and remediation of these buildings.</li> <li>• Proposed new Section 133AX(2), which would require the upgrade of earthquake-prone buildings when substantial alterations are being undertaken. Criteria for assessing whether an alteration is substantial would be set out in regulations.</li> <li>• Proposed new Section 133AX, in relation to disability access and fire safety.</li> </ul> <p>Staff from HCC's Building Control Unit are currently analysing the implications of the Select Committee's interim report.</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
414	<b>Proposed Auckland Unitary Plan – Further Submissions</b> <a href="http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/submissions.aspx">http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/submissions.aspx</a>	Auckland Council	22/7/14	Submissions and further submissions in 2014 made under the Chief Executive's delegated authority for RMA submissions.	<p>The consultation period for further submissions opened on 11/6/14 and closed on 22/7/14. 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 Independent Hearings Panel hearing process. Hearing documents can be found at <a href="http://www.aupihp.govt.nz/hearings/">http://www.aupihp.govt.nz/hearings/</a></p> <p>HCC staff have not appeared in person at the hearings, given the structure of the hearings and the time/cost involved. However, Future Proof and the Future Proof partners of Waikato Regional Council and Waikato District Council have appeared at hearings covering the topic of Auckland growth. The focus of the evidence given is to highlight to Auckland Council the impacts of growth in the south of the Auckland Region on land use, settlement patterns and infrastructure impacts (namely the Waikato Expressway) in the Waikato.</p>
423	<b>Using Land for Housing (Issues Paper, November 2014)</b> <a href="http://www.productivity.govt.nz/inquiry-content/2060?stage=2">http://www.productivity.govt.nz/inquiry-content/2060?stage=2</a>	New Zealand Productivity Commission	23/1/15	Final submission 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 bylaws, 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> <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>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
	<p><b>Using Land for Housing (Draft Report 17 June 2015)</b>  <a href="http://www.productivity.govt.nz/inquiry-content/2060?stage=3">http://www.productivity.govt.nz/inquiry-content/2060?stage=3</a></p>	New Zealand Productivity Commission	Closing date is 4/8/15	TBC	<p>Staff from the NZ Productivity Commission met 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. The meeting was very successful and provided a useful opportunity to outline HCC's land release processes and key issues impacting Hamilton.</p> <p>The Commission has now released its draft findings and recommendations based on consultation and feedback received, including submissions to the Issues Paper that was released for feedback in November 2014. The Productivity Commission's 17 June 2015 draft report finds that more can be done to enable cities to accommodate growing populations, and includes 38 draft recommendations.</p> <p>Details of the New Zealand Productivity Commission's draft 17 June 2015 report and key web-links were circulated to Elected Members on 23/6/15. An informal meeting has been scheduled for 9 July for Elected Members to outline the key points they would like included in HCC's submission. Staff will be in attendance at this meeting to answer questions.</p>
427	<p><b>Waikato District Draft Sports Park Reserve Management Plan</b>  <a href="http://www.waikatodistrict.govt.nz/Documents-Library/Files/Have-your-Say/Public-consultations/Sports/Draft-Sports-Park-Management-Plan-compressed.aspx">http://www.waikatodistrict.govt.nz/Documents-Library/Files/Have-your-Say/Public-consultations/Sports/Draft-Sports-Park-Management-Plan-compressed.aspx</a></p> <p><b>Waikato District Council Draft General Reserve Policies Management Plan</b>  <a href="http://www.waikatodistrict.govt.nz/Documents-Library/Files/Have-your-Say/Public-consultations/Sports/Draft-General-Policies-Reserve-Mgmt-Plan-Master.aspx">http://www.waikatodistrict.govt.nz/Documents-Library/Files/Have-your-Say/Public-consultations/Sports/Draft-General-Policies-Reserve-Mgmt-Plan-Master.aspx</a></p>	Waikato District Council	19/3/15	Final submission considered and retrospectively approved on 8/4/15.	<p>The Productivity Commission will present their final report to Government on 30/9/15.</p> <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. The Draft General Reserve Policies Management Plan outlines management policies for all reserves in Waikato District.</p> <p>This was 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"> <li>• Is aligned to the Waikato Regional Sports Facility Plan 2014.</li> <li>• Takes a holistic view and considers important cross-boundary issues that are cost-effective for ratepayers of Hamilton and the Waikato District.</li> </ul> <p>HCC's draft submission was circulated to Elected Members for feedback on 10/3/15, with comments due by 18/3/15. There were some minor revisions made to the final submission to make it clearer that the Draft Sports Park Management Plan does not</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
					<p>demonstrate how WDC has considered the findings and recommendations of the Waikato Regional Sports Facilities Plan i.e. it now states that "HCC seeks that WDC demonstrate how the Proposed Facility Approach of the Waikato Regional Sports Facilities Plan has been considered in developing proposals to develop, upgrade and renew sports fields, in particular Tamahere Recreation Reserve".</p> <p>HCC's General Manager Community spoke on behalf of Her Worship the Mayor and the Chair of the Strategy and Policy Committee in support of HCC's submission at the Waikato District Council hearings on 13/5/15.</p> <p>A formal response from Waikato District Council is yet to be received.</p>
430	<p><b>Local Government Funding Review: A Discussion Paper (February 2015)</b>  <a href="http://www.lgnz.co.nz/home/news-and-media/2015-media-releases/lgnz-review-launches-discussions-on-new-funding-model-for-local-government/">http://www.lgnz.co.nz/home/news-and-media/2015-media-releases/lgnz-review-launches-discussions-on-new-funding-model-for-local-government/</a>   <a href="http://www.lgnz.co.nz/assets/Uploads/Our-work/Local-Government-Funding-Review.pdf">http://www.lgnz.co.nz/assets/Uploads/Our-work/Local-Government-Funding-Review.pdf</a></p>	LGNZ	9/4/15	Final submission considered and retrospectively approved on 26/5/15.	<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 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> <p>HCC's draft submission was circulated to Elected Members for feedback on 2/4/15, with</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
					<p>comments due by 8/4/15. As no feedback was received, the final submission sent to LGNZ remained unchanged to that of the draft. LGNZ provided us an extension to the original 27/3/15 submission closing date through to 9/4/15.</p> <p>LGNZ received 28 submissions from councils, 25 from stakeholders and 15 from individuals. LGNZ has advised that HCC's submission was reviewed by a cross-sector working group in its work toward developing the final document. This document will be released at LGNZ's National Conference meeting on 20 July 2015.</p>
431	<p><b>Waikato Regional Council's Proposed Regional Development Fund</b>  <a href="http://www.waikatoregion.govt.nz/ftp/">http://www.waikatoregion.govt.nz/ftp/</a></p>	Waikato Regional Council	15/4/15	Final submission considered and retrospectively approved on 26/5/15.	<p>Through the 2015-2025 Draft Long Term Plan submission process, the Waikato Regional Council (WRC) is also seeking feedback on the proposed Regional Development Fund.</p> <p>The proposed Regional Development Fund has two key aims, which are to:</p> <ul style="list-style-type: none"> <li>• Enable the WRC to make strategic investments in projects that will improve the region's economic outcomes in a way that also supports environmental, social and cultural outcomes.</li> <li>• Ensure projects receive support commensurate with the level of regional benefit by using a robust assessment framework.</li> </ul> <p>Specifically, the WRC is seeking feedback on the merits of the proposal; the funding source; and the criteria of the draft Regional Development Fund Policy.</p> <p>Elected Members were advised of the draft plan being available for public submissions on 17/3/15 through Executive Update and given the opportunity to provide any key messages on the proposed Regional Development Fund and other sections of WRC's 2015-2025 Draft Long Term Plan by 23/3/15.</p> <p>WRC representatives made a presentation to HCC on their 2015-2025 Draft Long Term Plan and the Proposed Regional Development Fund Policy on 8/4/15.</p> <p>HCC's draft submission to the Proposed Regional Development Fund Policy (based on feedback raised by HCC's Elected Members at the 8/4/15 presentation) was circulated to Elected Members for comment on 10/4/15.</p> <p>HCC's final submission to the Proposed Regional Development Fund Policy was sent to WRC on 15/3/15. We received a half day extension from WRC to the submission closing</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
433	<b>Five General Statements of Heritage Policy</b> <a href="http://www.heritage.org.nz/">http://www.heritage.org.nz/</a>	Heritage New Zealand	17/4/15	Final submission considered and retrospectively approved on 26/5/15.	<p>date i.e. from 14/4/15 through to noon on 15/4/15.</p> <p>Her Worship the Mayor spoke in support of HCC's submission at the hearings on 6/5/15.</p> <p><b>A formal response from the Waikato Regional Council is yet to be received.</b></p> <p>Heritage New Zealand is preparing five general statements of policy under the Heritage New Zealand Pouhere Taonga Act 2014 to provide leadership and direction in key areas of work.</p> <p>The five policies being consulted on are:</p> <ul style="list-style-type: none"> <li>• Administration of the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014.</li> <li>• Management and use of historic places owned or controlled or vested in Heritage New Zealand.</li> <li>• Administration of the NZ Heritage List/Rārangi Kōrero.</li> <li>• Administration of the National Historic Landmarks List/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.</li> <li>• Statutory role of advocacy for historical and cultural heritage.</li> </ul> <p>The draft policies will be reviewed based on feedback and considered by Heritage New Zealand's Maori Heritage Council and Board for final approval. The final policies will be published on Heritage New Zealand's website no later than 20/11/15.</p> <p>Members of the Hamilton Heritage Advisory Panel were contacted to see if there were any matters/specific issues that they would like included in HCC's submission.</p> <p>HCC's draft submission was circulated to Elected Members for feedback on 10/4/15, with comments due back by 16/4/15.</p> <p>Feedback was received from the Deputy Mayor, who wanted to ensure that the submission took account of points raised by HCC's Heritage Taskforce members, and that it was in alignment with HCC's Draft Heritage Plan and Heritage New Zealand's Five General Statements of Heritage Policy. He was advised that the submission complied on all counts of his query.</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
436	<p><b>Rules Reductions Submissions</b></p> <p><a href="https://www.govt.nz/browse/housing-and-property/renovating-and-building/rules-reduction-submissions">https://www.govt.nz/browse/housing-and-property/renovating-and-building/rules-reduction-submissions</a></p> <p><a href="http://beehive.govt.nz/release/taskforce-cut-red-tape-announced">http://beehive.govt.nz/release/taskforce-cut-red-tape-announced</a></p>	Rules Reduction Taskforce (Department of Internal Affairs)	15/6/15	Final submission to be considered and retrospectively approved on 7/7/15.	<p>As there was no other feedback, the final submission sent to Heritage New Zealand remained unchanged to that of the draft.</p> <p><b>A formal response from Heritage New Zealand is yet to be received.</b></p> <p>The Rules Reduction Taskforce was 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 is holding public meetings around the country between March and May 2015, as well as consider submissions made online, and will report back to Government outlining areas where improvements can be made and red tape cut.</p> <p>The Mayor and a number of Councillors met with members of the Rules Reduction Taskforce on 17/4/15. Staff identified 12 areas where improvements could be made to existing rules/regulations. This information was circulated to Elected Members on 8/5/15 (along with LGNZ's draft submission) for consideration and potential inclusion in HCC's draft feedback.</p> <p><b>Elected Members then met on 21/5/15 to discuss issues they wanted included in HCC's submission to the Rules Reduction Taskforce. HCC's draft submission was circulated to Elected Members on 28/5/15 for comment. The Rules Reduction Taskforce subsequently extended the submission closing date i.e. from 1 June to 15 June 2015. Elected Members were advised of this on 29/5/15 and were given until 10/6/15 to provide feedback.</b></p> <p><b>A number of comments received by Elected Members during development of HCC's submission to the Rules Reduction Taskforce were included in the final version approved by the Chief Executive.</b></p> <p><b>The Rules Reduction Taskforce acknowledged receipt of HCC's submission on 23/6/15, which noted that HCC's submission will be stored securely and that our views will be included in the deliberations of the Taskforce. To date, the Taskforce has received 1,243 submissions, with the most common areas of concern relating to building, planning and land subdivision.</b></p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
442	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, was outlined in the 'Strategic Round Up Report' discussed at the 24/2/15 Strategy and Policy Committee meeting (Item 18 of the agenda).</p> <p>The 24/2/15 Strategy and Policy Committee report noted that:</p> <ul style="list-style-type: none"> <li>• "Watercare has made an application to the Waikato Regional Council to take a further 200,000 m<sup>3</sup> of water, per day from the Waikato River to supply Auckland's growing water need.</li> <li>• Future Proof is currently looking at whether HCC, Waipa and Waikato District Council's have enough consented water to support current and projected populations.</li> <li>• The findings of this work will inform our position on the Watercare consent, should the application be publicly notified".</li> </ul> <p>The Waikato Regional Council is still to assess the application and has indicated that they are unlikely to do so until 2016.</p>

## Policy and Bylaw Review Scheduling 2015

S&P		Information current as at 25/6/15	
Committee	Draft policies or bylaw reports	Description of report	Review led by
Date			
7 July 2015	Alcohol Control Bylaw	<ul style="list-style-type: none"> <li>Presents a draft bylaw for adoption to commence public consultation</li> </ul>	City Environments
	Class 4 Gambling Venue Policy* **	<ul style="list-style-type: none"> <li>Identifies key review issues and seeks feedback to enable the development of an SOP for consultation.</li> <li>Briefing provided April 2015.</li> </ul>	City Environments
	Gambling – Board (T.A.B) Venue Policy* **	<ul style="list-style-type: none"> <li>Identifies key review issues and seeks feedback to enable the development of an SOP for consultation.</li> <li>Briefing provided April 2015.</li> </ul>	City Environments
	Asset Management Policy	<ul style="list-style-type: none"> <li>Changes to legislation have resulted in policy content largely covered by legislation.</li> <li>Recommend policy deleted and key content captured in a Management Policy</li> </ul>	Performance
	Playgrounds Policy	<ul style="list-style-type: none"> <li>Recommend policy deleted and 'Playgrounds of the Future' document be adopted as Councils Playgrounds Plan.</li> </ul>	Community
	Cellular Network Sites Policy	<ul style="list-style-type: none"> <li>Changes to legislation have resulted in policy content covered by legislation.</li> <li>Recommend policy deleted</li> </ul>	City Environments/ Events & ED
	Graffiti Management Policy	<ul style="list-style-type: none"> <li>Recommend policy deleted and key content captured in a Management Policy</li> </ul>	Community
11 August 2015	Citizens Initiated Referenda		Customer Relationships
	Liquor licensing Policy Licensed Premises Policy LAP**	<ul style="list-style-type: none"> <li>The LAP working group has been reconvened and it is likely this work is ready to proceed again</li> </ul>	City Environments
	Trade Waste Bylaw 2006 Determination Report*	<ul style="list-style-type: none"> <li>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.</li> <li>The bylaw review needs to start at least a year prior to the required review date.</li> </ul>	City Infrastructure

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Policy and Bylaw Review Scheduling 2015

S&P		Information current as at 25/6/15	
Committee	Draft policies or bylaw reports	Description of report	Review led by
Date			
	Councillor's attendance at Conferences, Seminars and Training Elected Member's Expenses and Allowances Remuneration to External Members of Council Committees Elected Member's Remuneration Elected Member's IT Corporate Hospitality and Entertainment Policy Elections – Comms with the Public Election signs	<ul style="list-style-type: none"> <li>▪ Policies outline guidelines or 'rules' around elected member activity</li> <li>▪ Review has identified overlap between policies and opportunity for significant streamlining.</li> <li>▪ Recommendation that the current 7 policies be deleted and the key content be captured into 2 overarching key policies</li> <li>▪ Briefing strongly recommended. Review contains some complex matters and potential implications on current practise.</li> </ul>	Democracy
<b>3 Nov 2015</b>	Event Sponsorship Policy	<ul style="list-style-type: none"> <li>▪</li> </ul>	
	Road, Reserve and Park Naming Policy	<ul style="list-style-type: none"> <li>▪</li> </ul>	
	Alcohol Control Bylaw adoption	<ul style="list-style-type: none"> <li>▪ Deliberations based on public consultation and decision making</li> <li>▪ for adoption to commence public consultation</li> </ul>	City Environments
	Housing for the Older Person	<ul style="list-style-type: none"> <li>▪ Update/delete the policy based on the results of the REOI process.</li> </ul>	
<b>Unknown</b>	Municipal Endowment Fund Investment		Events & ED/ Business and Investment subcommittee
	Property Sale & Disposal		Events & ED/ Business and Investment subcommittee
	Free holding of Council Domain & Municipal Endowment Leases Policy		Events & ED/ Business and Investment subcommittee

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## Policy and Bylaw Review Scheduling 2015

S&P		Information current as at 25/6/15	
Committee	Draft policies or bylaw reports	Description of report	Review led by
Date			
	Earthquake prone, Dangerous and Insanitary Buildings* **		City Environments
	Speed Management Policy		City Infrastructure
	Business Improvement District Policy (BID)	<ul style="list-style-type: none"> <li>▪ Deferred to ensure alignment with CCTP.</li> <li>▪ The policy provides guidance on the establishment and administration of BID programmes and associated targeted rates</li> <li>▪ Minor changes suggested and need for supporting documents identified.</li> </ul>	Draft to be presented to <b>Business and Investment subcommittee 2015</b>
	Street & Directional Signage	<ul style="list-style-type: none"> <li>▪ To be reviewed in conjunction with the Gateways Policy</li> <li>▪ Largely operational detail to guide staff implementation</li> <li>▪ Recommendation is to delete both policies and incorporate into the Signage Plan</li> <li>▪ Signage criteria likely to remain the same</li> </ul>	City Infrastructure/ <b>Business and Investment subcommittee</b>
	Hamilton City Gateways Policy	<ul style="list-style-type: none"> <li>▪ To be reviewed in conjunction with the Directional Signage Policy</li> <li>▪ Strategic decisions required to determine location and LOS for gateways but does not need to be documented in Policy</li> <li>▪ Significant funding implications in the 10 Year Plan</li> <li>▪ Recommend both policies deleted and content incorporated into Signage Plan</li> </ul>	City Infrastructure (Community)/ <b>Business and Investment subcommittee</b>
	Streetscape Beautification & Management	<ul style="list-style-type: none"> <li>▪ The Policy outlines the high level approach to managing the road reserve and has several focuses: street trees, street planting and berm management.</li> <li>▪ Recommendation is that the policy be retained with some changes               <ul style="list-style-type: none"> <li>– streamline content</li> <li>– add in a broad criteria and process for the removal and/or replacement of trees</li> <li>– change name of policy to 'street beautification and berm maintenance'</li> </ul> </li> </ul>	City Infrastructure/ <b>Business and Investment subcommittee</b>
	(Trading in ) Public Places Policy and Bylaw determination report	<ul style="list-style-type: none"> <li>▪ Public Places bylaw requires reviewing, and the policy need to be reviewed alongside.</li> <li>▪ City Environments/B&amp;I subcommittee input</li> </ul>	<b>Business and Investment subcommittee</b> early consideration

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### Policy and Bylaw Review Scheduling 2015

-  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	Adopted
16 July 2014	Council Representation on External Organisations Policy	Adopted
3 Sept 2014	Fencing Policy	Deleted - key content captured in management policy
	Use of Herbicides Policy	Deleted - key content captured in management policy
15 Oct 2014	Library Censorship Policy	Deleted - key content captured in management policy
	Library Collection Policy (proposed)	Incorporated into censorship management policy
19 Nov 2014	Significance and Engagement Policy*	New policy adopted
26 Nov 2014	Safety in Public Places Bylaw	New bylaw adopted
24 Feb 2015	Traffic Bylaw 2012 Amendment	Bylaw adopted
	Amendment to Garden Place Pedestrian Mall	Pedestrian mall declaration completed
	Open Air Burning Bylaw	New bylaw adopted
	Risk Management Policy	Adopted
8 April 2015	Public Places Liquor Control Bylaw 2010 Determination Report	Determination confirmed
	Community Assistance Guidelines and Criteria	Policy updated
26 May 2015	Dog Control Bylaw and Policy	Amended bylaw and policy adopted
	Storm Water Bylaw	New bylaw adopted
	Art in Public Places Policy	Policy deleted
	Older Persons Plan	Adopted
	Heritage Plan	Adopted for consultation
4 June	Revenue and Financial Policy (s103)	Adopted
	Investment & Liability Policy	Adopted
	Rating (Rates Remission and Postponement) Policy	Adopted
	Funding Needs Analysis	Adopted
30 June	Development Contributions Policy * (s106)	Adopted <i>Resolved that 'a working group be established to work with the development community during 2015/16 on Council's DC Policy and Growth Funding Policy, and that staff report to Council on 30 June 2015 with draft TOR for this working group'.</i>

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