
Council Kaunhera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and via Audio Visual link on Thursday 22 October 2020 at 9.34am.

PRESENT

Chairperson	Mayor P Southgate
Heamana	
Deputy Chairperson	Deputy Mayor G Taylor
Heamana Tuarua	
Members	Cr M Bunting Cr M Forsyth (Audio-Visual Link) Cr M Gallagher Cr R Hamilton Cr D Macpherson Cr K Naidoo-Rauf (Audio-Visual Link) Cr R Pascoe Cr S Thomson (Audio-Visual Link) Cr M van Oosten Cr E Wilson

In Attendance:	Richard Briggs – Chief Executive Jen Baird – General Manager City Growth Sean Hickey – General Manager Strategy and Communication Blair Bowcott – Executive Director Special Projects Debra Stan-Barton – Project Manager Julie Clausen – Unit Manager Strategy and Corporate Planning Muna Wharawhara – Amorangi Maaori Tracey Wood – City Events Manager Tracey Musty - Financial Controller Maire Porter – City Waters Manager Nathan Dalgety – Programme Manager Analytics Stafford Hodgson – Programme Manager Economics and Policy Frances Cox-Wright – Policy and Bylaw Lead Raewyn Simpson – Senior Planner Natalie Palmer - Unit Manager Communications and Marketing Greg Carstens – Growth, Funding and Analytics Unit Manager
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Governance Team:	Becca Brooke – Governance Manager Amy Viggers – Governance Team Leader Tyler Gaukrodger – Governance Advisor
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The meeting was opened with a Karakia from Kaumatua Tame Pokaia.

1. **Apologies – Tono aroha**

Resolved: (Cr Gallagher/Deputy Mayor Taylor)

That the apologies for absence from Cr O’Leary, for early departure from Cr Macpherson and Bunting, and for lateness from Cr Forsyth are accepted.

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

Resolved: (Cr van Oosten/Cr Bunting)

That the agenda is confirmed noting:

- a) Public Excluded items will be taken after item 4 (Public Forum) to accommodate guest presenter availability;
- b) Item 24 (Recommendation from Open Committee meetings) is to be taken at 1:30pm;
- c) Item 22 (Notice of Motion – Road Renaming, Dame Hilda Ross) has been withdrawn from the agenda and will be deferred to a future meeting of the Council for consideration; and
- d) an updated version of the Hamilton Safety in Public Places Bylaw 2020 was circulated to Elected Members prior to the meeting and is attached to the minutes as **Appendix 1**.

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

No members of the Council declared a Conflict of Interest.

4. **Public Forum – Aatea koorero**

Peter Findlay spoke to item 19 (Development Contributions Policy Direction Options) and his written submission, which is attached to these minutes as **Appendix 2**. He spoke of a range of concerns with the proposed options. He responded to questions from Elected Members concerning remissions, developer consultation and land holdings.

Thomas Gibbons spoke to item 19 (Development Contributions Policy Direction Options) and a range of concerns he had with the proposed. He responded to questions from Elected Members concerning incentivisation, return on investment and growth predictions.

Cr Forsyth joined the meeting (9.50am) during the discussion of the above item.

25. **Resolution to Exclude the Public**

Resolved: (Mayor Southgate/Cr Wilson)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded (CE Review Committee Matters) meeting of) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)

25 June 2020) Official Information and
C2. Confirmation of CE Review) Meetings Act 1987
Committee meeting Public	
Excluded Minutes of 8 June 2020	
C3. Confirmation of CE Review	
Committee meeting Public	
Excluded Minutes of 25	
September 2020	
C4. Chief Executive Annual	
Performance Review – 2019/2020	
- Chief Executive Review	
Committee Report 5 October	
2020	
C5. Confirmation of the Council	
Public Excluded Minutes of 17	
September 2020	
C6. Confirmation of the	
Extraordinary Council Public	
Excluded Minutes of 24	
September 2020	
C7. Confirmation of the Elected	
Member Public Excluded Briefing	
Notes - 9 September 2020	
C8. Confirmation of the Elected	
Member Public Excluded Briefing	
Notes - 10 September 2020	
C9. Confirmation of the Elected	
Member Public Excluded Briefing	
Notes - 21 September 2020	
C10. Confirmation of the Elected	
Member Public Excluded Briefing	
Notes - 30 September 2020	
C11. Confirmation of the Elected	
Member Public Excluded Briefing	
Notes - 7 October 2020	
C12. 39 Foreman Road, Te Rapa -	
New Lease	
C13. Recommendations from	
Public Excluded Committee	
meetings	

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
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Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C6.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C7.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C8.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C9.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C10.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C11.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C12.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C13.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

The meeting moved into a Public Excluded session at 10.09am.

Cr van Oosten left the meeting (10.28am) during the above Public Excluded session.

The meeting moved back into an Open session at 11.33am.

5. Confirmation of the Council Open Minutes of 17 September 2020

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council confirm the Open Minutes of the Council Meeting held on 17 September 2020 as a true and correct record.

6. Confirmation of the Extraordinary Council Open Minutes of 24 September 2020

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 24 September 2020 as a true and correct record.

7. Confirmation of the CE Review Committee Open Minutes 8 June 2020

Resolved: (Cr Wilson/Cr Macpherson)

That the Council confirm the Open Minutes of the CE Review Committee Meeting held on 8 June 2020 as a true and correct record.

8. Confirmation of the CE Review Committee Open Minutes 25 September 2020

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council confirm the Open Minutes of the CE Review Committee Meeting held on 25 September 2020 as a true and correct record.

9. Confirmation of the Elected Member Open Briefing Notes - 9 September 2020

Resolved: (Cr Forsyth/Cr Gallagher)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 9 September 2020 as a true and correct record.

10. Confirmation of the Elected Member Open Briefing Notes - 30 September 2020

Resolved: (Cr Thomson/Cr Naidoo-Rauf)

That the Council confirm the Open Minutes of the Elected Member Briefing held on 30 September 2020 as a true and correct record, noting that Cr Hamilton attended the session with partial apologies.

11. Confirmation of the Elected Member Open Briefing Notes - 7 October 2020

Resolved: (Mayor Southgate/Cr Pascoe)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 7 October 2020 as a true and correct record.

12. Chair's Report

Mayor Southgate spoke to the report highlighting Councils recent successes.

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council receives the report.

Cr van Oosten re-joined the meeting (11.47am) at the conclusion of the above item. She was not present when the matter was voted on.

Item 24 (Recommendations from Open Committee meetings excluding those from Strategic Risk and Assurance Committee) were taken after item 12 (Chair's Report) to accommodate presenters.

24. Recommendations from Open Committee meetings (Excluding those from the Strategic Audit and Risk Committee)

The report was taken as read.

Community Committee Recommendations:

Smokefree Outdoor Areas Policy Review

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Council approves the inclusion of vaping alongside smoking as a prohibited activity in smokefree areas in reference to the Smokefree Outdoor Areas Policy

Deliberations Report - Safety in Public Places Bylaw 2020

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Council:

- a) adopts the revised Safety in Public Places Bylaw 2020;
- b) noting the inclusion of the following points:

ACTIVITIES THAT MAY CAUSE A NUISANCE AFFECT ON PUBLIC HEALTH OR SAFETY IN A PUBLIC PLACE

- i. Any person intending to undertake any activity or event may apply to the General Manager requesting council impose conditions to protect the public's health and safety. This may extend to a temporary prohibition for cyclists, skateboarders, e-scooter, or other wheeled transportation devices from entering an area.
- ii. The General Manager will not unreasonably place such conditions.

General Managers Report – Creative Waikato Trustees Appointment Panel

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Council approves the Chief Executive's recommendation that Cr Bunting is appointed to the Creative Waikato Trustees Appointment Panel and noting that Creative Waikato will be informed of the appointment.

Community Assistance Policy Review 2020

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Council approves the revised Community Assistance Policy.

Strategic Growth Committee Recommendations:

Strategic Boundary Agreement between Hamilton City Council and Waikato District Council

Resolved: (Cr Macpherson/Cr Hamilton)

That the Council:

- a) approves the Strategic Boundary Agreement between Hamilton City Council and Waikato District Council;
- b) delegates the Chief Executive to finalise the Strategic Boundary Agreement subject to any feedback from this meeting and Waikato District Council;
- c) approves the Mayor and Chief Executive to sign the Strategic Boundary Agreement on behalf of Hamilton City Council

Finance Committee Recommendations:

Financial Strategy Monitoring Report

Resolved: (Cr Pascoe/Cr van Oosten)

That the Council:

- a) approves the capital movement as identified in the 6 October 2020 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 17 to 21 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 22 to 26 of the staff report.

Item 23 (Proposed 2021 Schedule of Meetings) were taken after Item 24 (Recommendations from Open Committee meetings excluding those from Strategic Risk and Assurance) to accommodate presenters.

23. Proposed 2021 Schedule of Meetings

The Governance Manager took the report as read and responded to questions from elected Members concerning proposed meeting dates.

Resolved: (Mayor Southgate/Cr Macpherson)

That the Council approves the proposed 2021 Schedule of Meetings (**attachment 1** of the staff report), noting that there would be further consultation with Committee Chairs concerning the meeting dates prior to the schedule being finalised.

The meeting was adjourned 12.11pm to 1.05pm.

13. Our Vision for Hamilton

The Unit Manager Strategy and Corporate Planning introduced the report and outlined the process followed to develop the Our Vision for Hamilton document. Staff responded to questions from Members concerning the link of the vision with the proposed wellbeing outcomes, community and Maangai Maaori engagement.

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council:

- a) approves the 'Our Vision for Hamilton'; and
- b) notes the plan for sharing 'Our Vision for Hamilton' with key partners and the community.

Item 24 (Recommendations from Open Committee meetings from Strategic Risk and Assurance) were taken at the conclusion of item 13 (Our Vision for Hamilton) to accommodate presenters.

24. Recommendations from Open Committee meetings (from the Strategic Risk and Assurance Committee)

The Chair of the Strategic Risk and Assurance Committee spoke to the Annual Report and Audit Engagement Letter, highlighting the impact that Covid-19 had on the City Council as was outlined in the Annual report and Audit opinion.

Report 2019/20 and Audit NZ Clearance

Resolved: (Cr Bunting/Cr Pascoe)

That the Council:

- a) adopts the 2019/20 Annual Report; and
- b) authorises the Mayor and the Chief Executive sign the Letters of Recommendation.

Audit Engagement Letter: Audit of the consultation document and long term plan for the period commencing 1 July 2021

Resolved: (Cr Bunting/Cr Pascoe)

That the Council:

- a) approves the Audit Engagement letter; and
- b) authorises the Mayor to sign the Audit Engagement letter on Council's behalf.

14. Wellbeing Outcomes for Hamilton

The Unit Manager Strategy and Corporate Planning outlined the proposed wellbeing outcome statements and the change to the Local Government Act 2002 in relation to the reintroduction of Community wellbeings. Staff responded to questions from Members concerning the wellbeing indicators and the inclusion of lake Rotorua and responses from the community to date.

Item 14 (Wellbeing Outcomes for Hamilton) was adjourned at the conclusion of the discussion to enable staff time to respond to points raised by Elected Members.

15. He Pou Manawa Ora - Pillars of Wellbeing

The General Manager Strategy and Communication and the Amorangi Maaori outlined the timeline for proposed consultation of He Pou Manawa Ora. They responded to questions from Elected Members concerning previous Elected Member feedback on the document being incorporated.

Procedural Motion:

Resolved: (Cr Wilson/Cr Macpherson)

That the item being discussed be referred to the Community Committee meeting of 17 November 2020.

Cr Naidoo-Rauf Dissenting.

16. City Honours Policy Review

The City Event Manager took the report as read, and responded to question from Elected Members concerning potential Civic Awards being able to be awarded to organisations.

Resolved: (Cr Gallagher/Cr Thomson)

That the Council:

- a) receives the report; and
- b) approves the updated City Honours Policy.

17. Hamilton Stormwater Bylaw Review - Statement of Proposal

The City Waters Manager took the report as read and responded to questions from Elected Members concerning the consultation period, the recommended option and potential additional costs.

Resolved: (Cr Macpherson/Cr Wilson)

That the Council:

- a) receives the report;
- b) approves **Option 2** – the Hamilton Stormwater Bylaw Statement of Proposal (**Attachment 2**) and proposed draft Bylaw (**Attachment 3**) for consultation under Section 83 of the Local Government Act 2002; and
- c) approves public consultation for one month from 2 November 2020 to 9 December 2020 on the Hamilton Stormwater Bylaw Statement of Proposal (**Attachment 2**) and Summary of Information (**Attachment 6**).

14. Wellbeing Outcomes for Hamilton – continued

Resolved : (Mayor Southgate/Cr Macpherson)

That the Council requests staff bring back an updated report on the matter to a future meeting of the Council.

The meeting was adjourned 2.45pm to 2.51pm.

Cr Naidoo-Rauf left the meeting during the above adjournment.

Cr Forsyth left the meeting during the above adjournment.

18. Growth Projections for the 2021/31 LTP

The Growth, Funding and Analytics Unit Manager and the Programme Manager Analytics took the report as read and responded to questions from Elected Members concerning various growth projections options and risk to underestimating population growth.

Procedural Motion:

Resolved: (Cr Macpherson /Cr Hamilton)

That the item being discussed be referred to the Strategic Growth Committee meeting of 12 November 2020.

The Motion was put.

Those for the Procedural Motion:	Councillors Macpherson, Hamilton, Gallagher, van Oosten, Naidoo-Rauf, Wilson and Bunting.
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Those against the Procedural Motion:	Mayor Southgate, Deputy Mayor Taylor, Councillors Pascoe and Thomson.
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The Motion was declared CARRIED.

Cr Naidoo-Rauf re-joined the meeting (3.15pm) during the discussion of the above item. She was present when the matter was voted on.

19. Development Contributions Policy direction options

The Growth, Funding and Analytics Unit Manager and the Programme Manager Economics and Policy introduced the report and responded to questions from Elected Members concerning the proposed policy options, policy review timeline and financial impact of the proposed options.

Resolved: (Cr Wilson/Deputy Mayor Taylor)

That the Council receives the report.

Resolved: (Cr Wilson/Deputy Mayor Taylor)

That the Council approves in principle (subject to Council Budget Deliberations), that staff develop policy options for introducing social housing provisions.

Cr Pascoe and Wilson Dissenting

Resolved: (Cr Wilson/Deputy Mayor Taylor)

That the Council approves in principle (subject to Council Budget Deliberations), that staff develop policy options for extending the CBD remission for a further 3 years to [30 June 2024](#).

Resolved: (Cr Wilson/Deputy Mayor Taylor)

That the Council approves in principle (subject to Council Budget Deliberations), that staff develop policy options to begin charging for community infrastructure projects.

Resolved: (Cr Wilson/Deputy Mayor Taylor)

That the Council approves in principle (subject to Council Budget Deliberations), that staff develop policy options to introduce a 100% DC remission for CBD developments with six or more storeys for 3 years to [30 June 2024](#).

Mayor Southgate and Cr Pascoe Dissenting

Motion: (Cr Hamilton/Cr Thomson)

That the Council approves in principle (subject to Council Budget Deliberations), that staff develop policy options to introduce a Frankton area development contribution remission subject to further discussions with Elected Members around refining issues such as boundary and amount of remission.

The Motion was put.

Those for the Motion:	Councillors Hamilton, Gallagher, van Oosten and Thomson.
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Those against the Motion:	Mayor Southgate, Deputy Mayor Taylor, Councillors Bunting, Pascoe, Naidoo-Rauf and Wilson.
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The Motion was declared LOST.

Resolved: (Cr Wilson/Deputy Mayor Taylor)

That the Council:

- a) notes that 2021/22 estimated development contribution charges are contingent on the Council's financial information and growth-related capital programme. Decisions on the overall funding needs of the Council and its impact on the community, including any potential reduction/caps in development contribution charges, will be considered by the Council at Council Budget Deliberations;
- b) notes that a draft Proposed Development Contributions Policy 2021/22 will align with the Council's draft Long-Term Plan capital programme and include updated growth projections and underlying modelling assumptions; and
- c) requests staff organise an Elected Member Briefing to further refine the options for the Development Contributions Policy.

Cr Macpherson retired from the meeting (4.00pm) during the discussion of the above item. He was not present when the matter was voted on.

The meeting was adjourned 4.11pm to 4.21pm during the discussion of the above item.

Cr Bunting retired from the meeting 5.07pm at the conclusion of the above item. He was present when the matter was voted on.

20. Extension to term of RMA Independent Hearing Commissioners' Panel

The report was taken as read.

Resolved: (Cr Wilson/Cr Pascoe)

That the Council:

- a) receives the report;
- b) approves an extension to the term of the current RMA Commissioners' Panel to 30 April 2021; and
- c) notes that matters that are not completed by 30 April 2021 will continue to be determined by the Commissioner/s originally appointed.

21. Memorandum of Understanding - Strategic Relationship with Auckland Council

The Executive Director Special Projects took the report as read.

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council:

- a) approves the Strategic Relationship Memorandum of Understanding between Auckland Council and Hamilton City Council (**Attachment 1**); and
- b) delegates approval to the Chief Executive and Mayor to sign the agreement on behalf of the Hamilton City Council and to negotiate and agree any minor amendments as noted at this meeting.

22. Notice of Motion - Road Renaming, Dame Hilda Ross - *The item was removed from the agenda during item 2 (Confirmation of the Agenda)*

The meeting was declared closed at 5.11pm.

Appendix 1:

Hamilton City Council BYLAWS

Approved By: Council	Date Adopted: 22 October 2020
Date in Force: 22 October 2020	Review Date: 22 October 2030

HAMILTON SAFETY IN PUBLIC PLACES BYLAW 2020

This Bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002.

1. PURPOSE

1.1. The purposes of this bylaw are:

- a) protecting the public from nuisance;
- b) protecting, promoting, and maintaining public health and safety; and
- c) minimising the potential for offensive behaviour in public places

2. APPLICATION

2.1. This Bylaw applies to public places in Hamilton.

3. DEFINITIONS

3.1. The following definitions apply to this Bylaw, except where inconsistent with the context:

Authorised Officer	A person appointed by Hamilton City Council for the purposes of ensuring compliance with the Bylaw, as defined as an Enforcement Officer in the Local Government Act 2002 section 177.
Council	Hamilton City Council
General Manager	the Council General Manager responsible for the administration and enforcement of this Bylaw
Nuisance behaviour	Nuisance behaviour includes: <ol style="list-style-type: none"> a) Begging in a public place in a manner that is likely to cause harassment, alarm, or distress to any reasonable person, or causes an unreasonable interference with the peace, comfort or convenience of any person. b) Sleeping in a public place in such a way as to cause an obstruction. c) Urinating or defecating in a public place other than a toilet. d) Consuming, injecting, inhaling or ingesting a mind-altering substance in a public place. e) Any conduct in a public place that is likely to cause unreasonable interference with the peace, comfort or convenience of a reasonable person in the circumstances in which it occurs, whether or not that person is in a public place, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.
Offensive behaviour	Behaviour in a public place that is capable of arousing real anger, resentment, disgust or outrage in the mind of a reasonable person, objectively assessed, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.
Psychoactive substance	Means the definition in s 9 of the Psychoactive Substances Act 2013, except that it does include a controlled drug specified in Schedule 1, 2 or 3 of the Misuse of Drugs Act 1975.

Hamilton City Council BYLAWS

Public Place Public place includes any place or space that is not private property, and which is open to the public.

Note: This bylaw is required to comply with the New Zealand Bill of Rights Act 1990, which protects freedom of expression among other rights. The mere fact of participating in a public protest will not, on its own, constitute offensive or nuisance behaviour. Public order is sufficiently disturbed if the behaviour causes offence of such a kind or to such an extent that those affected are substantially inhibited in carrying out the purpose of their presence at that place.

3.2. TEMPORARY RESTRICTIONS TO PROTECT PUBLIC HEALTH AND SAFETY

3.3. Any person intending to hold an event or undertake an activity may apply to the General Manager requesting that Council impose temporary restrictions in order to protect the health and safety of attendees or the public. The General Manager may impose the following temporary restrictions:

- a) Prohibiting the use of bicycles, skateboards, scooters, or other wheeled transportation (including electrically-powered versions) from entering a defined area during a defined period.
- b) Excluding non-attendees or the public generally from a defined area during a defined period.

Temporary restrictions must not be imposed unreasonably.

3.4. Council must, so far as practicable, put up notices at each entrance and along each boundary of the defined area(s) setting out the nature of the temporary restrictions, the defined area and duration.

4. BREACH OF BYLAW

4.1. The following conduct is an offence under this bylaw:

- a) Nuisance behaviour;
- b) Behaviour in a public place that poses a threat to public safety;
- c) Offensive behaviour;
- d) Failing to comply with any lawful notice or direction given under this bylaw;
- e) Obstructing or hindering any authorised officer in performing any duty or power conferred by this bylaw.
- f) failure to comply with a temporary restriction imposed under clause 4.

5. PENALTIES AND POWERS

- 5.1. Under section 242 of the Local Government Act 2002, any person who breaches this bylaw, commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- 5.2. Under section 163 of the Local Government Act 2002 the Council or an authorised officer may remove or alter any work or thing that is or has been constructed in breach of this Bylaw and may recover the costs of doing so from the person who committed the breach. This does not affect that person's liability for the breach.
- 5.3. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for an injunction restraining a person from committing a breach of this Bylaw.
- 5.4. The Council or an authorised officer may seize and impound property materially involved in committing an offence, under sections 164 and 165 of the Local Government Act 2002.
- 5.5. The Council will return or may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.
- 5.6. Under section 176 of the Local Government Act 2002 any person who has been convicted of an offence under this bylaw is liable to pay the Council the costs of remedying any damage caused in the course of committing the offence.

Hamilton City Council BYLAWS

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

Councillor: _____

Councillor: _____

Chief Executive: _____

Explanatory Note:

This note is for information purposes and does not form part of this Bylaw. For guidance on how all other nuisance behaviours are covered by other Council Bylaws and Policies please refer to the Nuisance Behaviour and Policy and Bylaws table.

Offensive behaviour	The definition of offensive behaviour is taken from the decision of the Supreme Court in <i>Morse v Police</i> [2011] NZSC 45; (2011) 25 CRNZ 174.
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