
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Monday 29 April 2019 at 1.00pm.

PRESENT

Chairperson Mayor A King
Members Cr J R Casson
 Cr S Henry
 Cr D Macpherson
 Cr G Mallett
 Cr R Pascoe
 Cr P Southgate
 Cr L Tooman
 Cr R Hamilton

In Attendance: Richard Briggs – Chief Executives
 Jen Baird – General Manager City Growth
 Eeva-Liisa Wright – General Manager Infrastructure Operations
 Andrew Parsons – Strategic Planning Manager
 Luke O’Dwyer – City Planning Manager
 Laura Galt – Immediate Planner
 Robyn Denton – Operations Team Leader

Governance Staff: Lee-Ann Jordan - Governance Manager
 Amy Viggers and Rebecca Watson – Committee Advisors

1. Apologies

Resolved: (Mayor King/Cr Hamilton)

That the apologies for absence from Deputy Mayor Gallagher, Crs Bunting, O’Leary and Taylor, and for early departure from Cr Mallett are accepted. Cr Southgate was not present at the start of the meeting.

2. Confirmation of Agenda

Resolved: (Mayor King/Cr Casson)

That the agenda is confirmed noting the following:

- a) that the late item 8 (Whakatane District Council Proposed LGNZ Remit: Road Safety) be accepted. It was added to the agenda as a late item as Whakatane District Council has requested a response by 10 May 2019 so that they can submit it to LGNZ for consideration by

member councils at this year's Annual General Meeting in July 2019. It would be attached to the minutes of the meeting as **appendix 1**; and

- b) that the late item C1 (Release of Public Excluded Resolution, Report and Minutes) be accepted. It was added to the agenda as a late item to enable a timely decision on the matter. The general subject of each matter to be considered while the public is excluded under Section 48(1)(a) and Section 7 (2) (j) [to prevent the disclosure or use of official information for improper gain or improper advantage] of the Local Government Official Information and Meetings Act 1987.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

No members of public wished to speak.

5. Special Housing Area Application – Quentin Drive, Enlarged Proposal

The Intermediate Planner outlined the process for the item, noting that the applicants would speak first followed by submitters and then staff would speak to the report. She noted that a letter from Submitter Julie Vickers who was unable to attend the meeting had been provided to Elected Members, as well as a copy of the written submission from Te Haa O te Whenua O Kirikiriroa that had not been included in the original report in error. A copy of the letter is attached to these minutes as **appendix 2**. A copy of the submission is attached to the minutes as **appendix 3**.

Applicants Leonard Gardner (Fosters Group), Bevan Houlbrooke (CKL Planning), Mark Mawdsley (PAUA Architects), Craig Smith (Golden Homes), and Blake Richardson (Golden Homes) outlined the Quentin Drive Special Housing Area application. They responded to questions from Elected Members regarding reverse sensitivity concerns, access points to the development, minimal housing yield, stakeholder engagement, and other specifics of their application. Staff responded to questions from Elected Members concerning the Special Housing Area process.

Submitter Rawiri Bidois (representing Te Haa O te Whenua O Kirikiriroa) spoke to their submission opposing the special housing application. Mr Bidois noted that if there was a commitment from the applicant to consult with iwi, should the application proceed further, they would be happy to withdraw their opposition.

Summitters Mr Ebert, Mr Nannes, Mr Puriri and Mr Randall (Greater Gilbass Area Residents Association) spoke to their submission opposing the Quentin Drive Special Housing Area application. They highlighted concerns raised in their submission including the developments stormwater infrastructure, pedestrian access to the development and social development issues. They responded to questions from Elected Members concerning the design of the development.

Submitter Craig McGarr (Bentley & Co) spoke on behalf of owners at 22 & 26 Alison Street and their submission in opposition to the development, noting their concerns were regarding the easement running alongside their property, preservation of their legal rights and the right to be consulted on the application in the next stage. He responded to questions from Elected Members concerning the application process, proposed concept design, and Qualifying Development process (QD phase).

Dr John Goldsmith spoke to his submission in opposition of the SHA application noting that he had a number of concerns relating to residents health and wellbeing as noted in his submission.

The City Planning Manager and the Intermediate Planner then spoke to the report, noting that they had updated their recommendation based on the verbal submissions. Staff responded to questions from Elected Members concerning the qualifying design and the Special Housing Application processes, points raised during the verbal submissions and the timeline for Ministry of Housing and Urban Development to make a decision on the application if it were to proceed.

Resolved: (Mayor King/Cr Macpherson)

That the Council:

- a) receives the report;
- b) delegates authority to the Chief Executive to:
 - i. finalise and sign a Statement of Intent (SOI) around how, at a high level, key infrastructure is to be provided and funded in accordance with the Hamilton Special Housing Areas Policy 2017 and the Growth Funding Policy 2016;
 - ii. negotiate with the applicant, prior to lodging any qualifying development consent, and sign a Private Development Agreement (PDA) to secure detailed provisions on necessary infrastructure development and funding in accordance with the signed SOI, the Hamilton Special Housing Areas Policy 2017 and the Growth Funding Policy 2016;
- c) requires Quentin Residential Ltd (QRL) works with Te Haa o te Whenua o Kirikiriroa to complete a cultural assessment prior to applying for a qualifying development consent, and that this obligation be included in the SOI to be finalised as per part b of the recommendation;
- d) requires Quentin Residential Ltd (QRL) include a commitment in the SOI to accept that land at Lot 3 DPS 13737 is an affected party for the purposes of any qualifying development;
- e) recommends to the Associate Minister of Housing and Urban Development, pursuant to section 17 of the Housing Accords and Special Housing Areas Act 2013, that a Special Housing Area be established over Quentin Drive, identified as Stage 1 and Stage 2 on the draft concept plan set out in **Attachment 1**, subject to a SOI agreement being concluded in accordance with the terms established in recommendation b) above;
- f) confirms, for the purpose of section 16 of the Housing Accords and Special Housing Areas Act, that it is satisfied that there is:
 - i. evidence of demand to create qualifying developments in the SHA;
 - ii. demand for residential housing in the SHA;
 - iii. adequate infrastructure, either existing or likely to exist, to service the proposed Special Housing Area;
- g) recommends to the Associate Minister of Housing and Urban Development, pursuant to section 17 of the Housing Accord and Special Housing Areas Act 2013, that the Special Housing Area has prescribed criteria as follows:
 - i. the maximum calculated height of dwellings shall be 10m;
 - ii. the SHA shall not contain fewer than 25 dwellings;
 - iii. the SHA shall not contain less than 10% of affordable dwellings as defined in the Hamilton Special Housing Area Policy 2017.

Crs Tooman and Pascoe Dissenting.

Cr Southgate joined the meeting at 1.07pm during the discussion of the above item. She was present when the matter was voted on.

The meeting adjourned 2.37pm to 2.50pm during the discussion of the above item.

6. Representation Arrangements 2019

The report was taken as read.

Resolved: (Mayor King/Cr Hamilton)

That the Council:

- a) receives the report; and
- b) notes that the Local Government Commission's determination confirms the representation arrangements for Hamilton from 2019 as set out in the Council's final proposal, i.e. status quo.

Cr Mallett retired from the meeting at 4.18pm at the conclusion above item. He was present when the matter was voted on.

7. Thames-Coromandel District Council Proposed LGNZ Remit: Remote Camp Site Definition

The report was taken as read.

Resolved: (Mayor King/Cr Henry)

That the Council:

- a) receives the report; and
- b) endorses the proposed remit from Thames-Coromandel District Council regarding an amendment to the Camping Group Regulations (attachment 1 of this report).

8. Late Item: Whakatane District Council Proposed LGNZ Remit: Road Safety

The Governance Manager introduced the item and responded to questions from Elected Members concerning the LGNZ remit process.

Resolved: (Cr Macpherson/Cr Casson)

That the Council:

- a) receives the report; and
- b) endorses the proposed remit from Whakātane District Council regarding road safety (attachment 1 of this report).

Cr Tooman Dissenting.

9. Resolution to Exclude the Public

Resolved: (Mayor King/Cr Southgate)

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. Release of public Excluded Minutes, Resolutions and Report) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)

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

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

The meeting went into a public excluded session at 4.23pm.

The meeting was declared closed at 4.34pm.

Council Report

Committee: Council **Date:** 29 April 2019
Author: Lee-Ann Jordan **Authoriser:** David Bryant
Position: Governance Manager **Position:** General Manager Corporate
Report Name: Whakatane District Council Proposed LGNZ Remit: Road Safety

Report Status	<i>Open</i>
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Purpose

- To inform the Council of a proposed remit for the Local Government New Zealand (LGNZ) Annual General Meeting 2019 relating to road safety from Whakātane District Council.
- To seek a decision as to whether or not the Council wishes to support the proposed remit.

Staff Recommendation

- That the Council:
 - receives the report; and
 - endorses/does not endorse the proposed remit from Whakātane District Council regarding road safety (attachment 1 of this report).

Discussion

- Member authorities of LGNZ (member councils) have been invited to submit remits for consideration at the LGNZ Annual General Meeting on Sunday 7 July 2019.
- If supported at the AGM by the majority of member councils present, remits will be actioned by LGNZ.
- Remits must be of a major policy nature and relevant to local government as a whole rather than a single sector or council.
- Remits proposed to the AGM must have support from at least one zone or sector group meeting or from five councils. Evidence of this support is part of the submission.
- On Friday 26 April 2019 an email from the Mayor of Whakātane District Council was received asking Hamilton City Council (and other councils) to support their remit by 10 May 2019 so that they can submit it to LGNZ for consideration by member councils at this year's Annual General Meeting in July.

Appendix 1

Item 8

9. Whakātane District Council is proposing a remit to request the New Zealand Transport Authority (NZTA) review its Code of Practice for Temporary Traffic Management (CoPTTM) and review its CoPTTM Training System. The proposed remit also encourages Road Controlling Authorities (RCAs) to work with NZTA on a review of local road Temporary Traffic Management, and to adopt, with urgency, any local road CoPTTM improvements that arise from the review.
10. Council staff have not developed this report so are unable to comment authoritatively on considerations such as financial implications and risk.
11. However, staff consider the decision in this report has low significance and that the recommendation complies with the Council's legal requirements.

Attachments

Attachment 1 - Draft Remit LGNZ Road Safety proposals May 2019

Appendix 1

FROM THE OFFICE OF HIS WORSHIP THE MAYOR



26 April 2019

To my fellow Mayors and Councils

REQUEST FOR SUPPORT OF AN LGNZ REMIT RELATED TO ROAD SAFETY

I am writing to you to request your support for a remit that I wish to put forward to the LGNZ Annual General Meeting in July 2019 related to road safety. A copy of the draft remit and background information is attached to this letter. I would appreciate your support for this remit before Friday 10 May 2019 in order to submit this to LGNZ.

After the recent tragic events in my district, where three road workers were killed, I believe we have to ask ourselves are we doing all that we can to ensure those working on our roads are safe from harm. As Mayor I have raised at recent Regional Transport Committee meeting my concern about the level of public discontent with traffic management on road work sites by contractors, and, in my view, evidence that a high proportion of motorists tend to ignore temporary speed sign restrictions. I believe this has come about particularly on unattended sites, where traffic management speeds don't seem appropriate or are left in place too long.

Our roading team at Whakatāne District Council have already been working proactively with NZTA and local contractors to review traffic management requirements. However I believe a national response is appropriate and would indicate the support of local government as a whole for this work. The remit that I intend, with your support, to propose is attached.

Broadly this would:

- Support NZTA's initiative to review CoPTTM in light of the recent fatalities
- Encourage NZTA to work closely with RCA's to ensure the CoPTTM review also covers local road Temporary Traffic Management
- Strongly encourage RCA's to work with NZTA, perhaps through the RCA Forum, on a review of local road Temporary Traffic Management
- Strongly encourage RCA's to adopt with urgency, any local road CoPTTM improvements that arise from the review.

I ask your Council to consider this information, and to confirm your support for the attached Remit by reply to me before Friday 10 May 2019.

Yours sincerely

Tony

**MAYOR
WHAKATĀNE DISTRICT**

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E info@whakatane.govt.nz
W www.whakatane.govt.nz

Commerce St, Private Bag 1002
Whakatāne 3158, New Zealand

This Remit is in two parts;

1. That LGNZ acknowledges that the New Zealand Transport Agency's (NZTA's), Code of Practice for Temporary Traffic Management (CoPTTM) is a comprehensive and robust document, and that NZTA ensures the CoPTTM system is regularly reviewed, refined and updated. However, in light of the recent road worker fatalities LGNZ requests NZTA, in partnership with Road Controlling Authorities (RCAs);
 - a. Review afresh its Code of Practice for Temporary Traffic Management (CoPTTM) to satisfy themselves that;
 - i. The document provides sufficient guidelines and procedures to ensure approaching traffic are given every possible opportunity to become aware of the worksite ahead and to respond appropriately and in a timely manner
 - b. Review its CoPTTM Training System to ensure;
 - i. Trainers are sufficiently qualified and adequately covering the training syllabus
 - ii. Site Traffic Management Supervisors (STMS's) and Traffic Controllers (TC's) are only certified when they can demonstrate competence in the application of CoPTTM.
 - iii. A robust refresher programme is in place to ensure those in charge of Traffic Management on worksites remain current in the required competencies.
 - c. Review its Site Auditing requirements to ensure the traffic management at worksites is independently audited at a sufficient frequency to ensure compliance, and that a significantly robust system is put in place to enable enforcement of compliance.
2. That LGNZ takes steps to remind its members of their duties with respect to their role as Road Controlling Authorities including;
 - a. Appointing and sufficiently training and resourcing a Traffic Management Co-ordinator to ensure their obligations under the Health and Safety Work Act 2015, with respect to traffic management, are being met.
 - b. Adequately resourcing and undertaking audits of road work sites to ensure compliance with CoPTTM.

Background Information and Research

1. Nature of the Issue

Four road workers have been killed on New Zealand roads this calendar year, and we need to ask ourselves, are we doing all that we can to ensure those working on our roads are safe from harm.

There is an increasing level of public discontent with the level of discipline around traffic management being maintained on roadwork sites by contractors, particularly on unattended sites, where all too often the temporary traffic management on site does not seem appropriate, or to adequately inform motorists of the need for the restrictions, or is left in place for too long.

2. Background to it being Raised

Frameworks for the safe management of roadworks have been in place for over 2 decades now, and during this time they have evolved and improved to keep up with the changing risks in the workplace environment.

The current framework is the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management, 4th edition 2018 (CoPTTM).

This is a comprehensive document that applies a risk based approach to temporary traffic management, based on a road's classification and intensity of use, and the nature of works required to be undertaken on the road.

It is closely aligned to the Health and Safety at Work Act 2015, recognising the statutory duty of all those involved with activities on or adjacent to the road, to systematically identify any hazards, and if a hazard is identified, to take all reasonably practical steps to ensure no person is harmed.

It includes steps to eliminate risks to health and safety and if it is not reasonably practicable, to minimise risks to health and safety by implementing risk control measures in accordance with Health and Safety at Work (General risk and Workplace Management) Regulations 2015.

CoPTTM also includes a risk matrix to help determine what is the appropriate temporary speed limit, that should be applied to a worksite, whether attended or unattended.

It further contains procedures for undertaking safety audits and reviews of worksites, including the ability to close down worksites that are identified as unsafe following an audit.

There are no financial penalties for non-compliance, although there are a range of other penalties that can be imposed, including the issue of a notice of non-conformance to individuals or companies, and a '3 strikes' system whereby the issue of three non-conformances within a 12 month period results in sanctions being imposed. These can include:

- removal of any prequalification status,
- reduction of quality scores assigned in tender evaluations,
- forwarding of non-conformance to the appropriate Standards organisation which may affect the company's ISO9000 registration,
- denial of access to the road network for a period of time,
- requirement for the company to have someone else provide their TTM
- staff retraining for CoPTTM warrants.

In principle there would seem to be sufficient processes in place to ensure that traffic management on road worksites was appropriate and adequately provided for the safety of workers on site, the general public, and passing traffic.

However, this year has seen four road workers killed whilst working on our roads.

There is also a growing level of discontent from motorists regarding the appropriateness of signs that are left out on unattended sites.

Often these signs are perceived to be (any combination of) unnecessary, poorly located, incorrectly advising the condition of the road ahead, having an inappropriate speed limit, or being left out to long

3. Issues Relationship, if any, to the current Local Government New Zealand Business Plan and its objectives;

Local Government New Zealand has five policies in place to help achieve their sector vision: *Local democracy powering community and national success.*

Policy Priority 1 is Infrastructure, which focuses on water, transport and built infrastructure. The Transport statement states that a national policy framework is needed to achieve five outcomes. One outcome is 'a safe system, increasingly free of death and serious injury'.

This remit is aligned to this priority outcome as it is focused on reducing safety risks, death and serious injury in locations where road works are being undertaken.

4. Level of work, if any, already undertaken on the issue by the proposer, and outcomes to date

OBJECTIVE: A1508216

The Whakatāne District Council has been working proactively with NZTA and its local contractors to review its own traffic management requirements, the level of compliance with those requirements, and the adequacy of its auditing processes and frequencies.

There has been positive engagement with NZTA and the local contracting sector on this matter.

The process has identified improvements that could be effected by both the Council and its contractors. A plan is being developed to socialise the outcomes with NZTA and other RCA's, and this REMIT forms part of that plan.

The New Zealand Transport Agency is also responding to the recent deaths by initiating immediate temporary changes to pertinent traffic management plans, and considering permanent changes through its standard CoPTTM review process.

There is currently no national initiative to require local government RCA's to review their practices in response to these deaths.

5. Resolution, outcome and comments of any zone or sector meetings which have discussed the issue;

This remit has not been presented to zone or sector meetings at this stage.

6. Suggested actions that could be taken by Local Government New Zealand should the Remit be adopted.

- Support NZTA's initiative to review CoPTTM in light of the recent fatalities
- Encourage NZTA to work closely with RCA's to ensure the CoPTTM review also covers local road Temporary Traffic Management
- Strongly encourage RCA's to work with NZTA, perhaps through the RCA Forum, on a review of local road Temporary Traffic Management
- Strongly encourage RCA's to adopt with urgency, any local road CoPTTM improvements that arise from the review.

Proposed Special Housing Area

Feedback form

Name: Te Haa O te Whenua O Kirikiriroa
 Address: Po Box 13054 Hillcrest Hamilton 3251
 Email: raniribidois@gmail.com
 Phone (daytime): 027 244 2179

Note: Please be aware when giving feedback/making a submission/responding to a survey that all responses are part of the consultation process.

This means that your name (but not contact details) may be reproduced and included in the Council's public documents such as agendas and minutes. These documents are available on the Council's website at hamilton.govt.nz.

Please send us your feedback by 5pm on Friday 12 April 2019

Drop it in to the Council building in Garden Place or post it back to us:

Freepost 172189
 C/- Special Housing Areas
 Hamilton City Council
 Private Bag 3010
 Hamilton

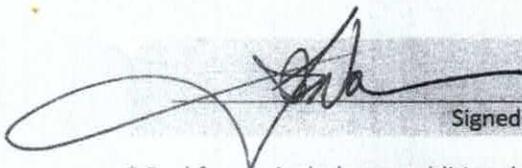
Proposed Special Housing Area you're providing feedback on:

QUENTIN DRIVE

My/our feedback on the proposal is*:
 (please print clearly)

Te haa O te Whenua O Kirikiriroa OBJECTS to the project being approved - Consented because consultation with MANA WHENUA Maori, has NOT taken place, meaning that we haven't had the opportunity to provide input into the project, particularly in respect to Cultural Safety.

I wish to speak in support of my feedback at the Council meeting on 29 April 2019

Signed

11-4-2019

Date

* Feel free to include any additional pages or images with your feedback.

Appendix 3

From: Julie Vickers
Sent: Monday, 29 April 2019 06:39
Subject: Re: Council Meeting 29 April - Quentin Drive SHA

Hi
Thank you for this.

I am part of the Greater Gilbass Area Residents' Association Incorporated so I understand that I will effectively be represented at the meeting by them. The plan that is going before Council has changed from what had been consulted on and in your email of April 18 you state that it is subject to further change. Although access via Gilbass Avenue was taken off the plans following submissions regarding stage 1, pedestrian access is now on the plan. Comments about this have been included in the Association's submission. Is there potential for a road to be back on the agenda? I would be particularly concerned about road access being introduced again. At what point are the proposed plans considered final and who has the opportunity to comment on them?

Regards
Julie