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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 3 November 2015 at 1.30pm.**

#### **PRESENT**

Chairperson  
Members

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

In Attendance

Blair Bowcott – Executive Director Special Projects  
Lance Vervoort – General Manager Community  
Chris Allen – General Manager City Infrastructure  
Debra Stan-Barton – (Acting) General Manager City Growth  
Deanne McManus-Emery – Community Development & Leisure Manager  
Luke O’Dwyer – City Planning Unit Manager  
Aaron Fleming – Strategy and Research Unit Manager  
Kelvin Powell – City Safe Unit Manager  
Julie Clausen – Programme Manager - Strategy  
Andrew Parsons – Waters Manager

Also In Attendance

Professor Peggy Koopman-Boyden – Chairperson of the Older Persons Advisory Panel  
Inspector John Kelly – New Zealand Police  
Julie Nelson – Chief Executive, The People’s Project  
Sandy Turner – General Manager, Hamilton Central Business Association  
Lachlan Muldowney – City Solicitor, Tompkins Wake

Committee Advisors:

Mr B Stringer, Mrs J Pani and Mrs M Birch

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The Chairperson noted that he was chairing the Meeting as agreed with the standing chairperson of the Committee, Councillor O'Leary.

## 1. Apologies

It was noted that Councillor Green would retire from the Meeting at 3:45pm.

**Resolved:** (Crs Wilson/Mallett)

That the apologies from:

- a) Councillor Forsyth; and
  - b) Councillors Macpherson and Wilson (for lateness),
- be received and accepted.

Councillor Wilson arrived at the conclusion of Item 1 – Apologies (1:32pm).

## 2. Confirmation of Agenda

The Chairperson reminded Committee members that Attachments 2 and 3 for Item 9 (*Draft Public Places Bylaw for Public Engagement*) were the updated hard copy versions circulated on 29 November 2015.

**Resolved:** (Crs Wilson/Mallett)

The Committee to confirm the agenda.

## 3. Declarations of Interest

Councillor Green declared an interest in relation to Item 8 – *Provisional Local Alcohol Policy (LAP) – Adoption*.

## 4. Public Forum

- **Dean Shields**, General Manager of Property for Tainui Group Holdings ('TGH'), spoke in support of Item 11 (*Road Stopping – Ruakura Rd & Percival Road*). He updated the Committee on TGH's Ruakura Inland Port project – in particular, the positive support received from a residents' committee in relation to the alternative route proposed in the staff report. Mr Shields advised the Committee that TGH would hold a public Open Day on 17 November at the Marist Rugby Club.
- **Alan Sciascia**, representing Hospitality New Zealand ('HNZ'), spoke in relation to Item 8 (*Provisional Local Alcohol Policy (LAP) – Adoption*). A written copy of his statement was tabled. Mr Sciascia noted the following:
  - i. The Sale and Supply of Alcohol Act 2012 ('the 2012 Act') provided adequate measures to impose restrictive conditions on licence applications and renewal. He queried whether a Local Alcohol Policy ('LAP') was required.
  - ii. HNZ did not support the proposed restricted trading hours for suburban on-licences, which it believed lacked evidence of a connection to alcohol-related harm.
  - iii. The proposed one-way door policy was challenged on the basis it was not included in the draft LAP that was the subject of consultation.
- **Laurie Weake**, representing the Hamilton Liquor Accord ('the Accord'), spoke in relation to Item 8 (*Provisional Local Alcohol Policy (LAP) – Adoption*) and a written copy of his statement was tabled. He highlighted, and responded to questions on, the following points:

- i. A LAP was not required for Hamilton.
  - ii. A one-way door policy would probably increase alcohol-related disorder further through more conflict situations and separating groups of young people at night. It was suggested that it would also have a significantly adverse impact on trade for central city establishments.
  - iii. The Accord supported suburban on-licences' maximum trading hours to be 8am to 1am. It was argued that alcohol-caused harm in suburban areas related to the price of alcohol at off-licences.
- **Chris Rollitt**, representing the Cook Café and Bar, spoke in relation to Item 8 (*Provisional Local Alcohol Policy (LAP) – Adoption*), and supported the previous speakers' comments. In particular, he believed restricting operating hours for suburban on-licences would have an adverse effect on such establishments and would shift alcohol-related problems to locations that were not controlled environments. Mr Rollitt also noted that a recent Hamilton East Community Trust meeting expressed no concerns with the current position on trading hours for suburban bars.
  - **Daryl Hadley**, representing the Good George Brewery, spoke in relation to Item 8 (*Provisional Local Alcohol Policy (LAP) – Adoption*). He expressed concern that the proposed restricted trading hours for suburban on-licences would result in such establishments not being able to be post-event venues for those attending city activities during the working week. Obtaining a special event licence for such events was considered too onerous. Mr Hadley also claimed that public attitudes to alcohol had changed, which was reflected in 55% of the Brewery's sales being for food.
  - **Nic Elliottson**, representing Smith & McKenzie and Good Neighbour, spoke in relation to Item 8 (*Provisional Local Alcohol Policy (LAP) – Adoption*). She supported the status quo in relation to operating hours for suburban on-licences and stated the vast majority of such establishments traded responsibly. Any indiscretions could be managed through existing mechanisms under the 2012 Act.
  - **John Lawrenson**, representing The Lawrenson Group, spoke in relation to Item 8 (*Provisional Local Alcohol Policy (LAP) – Adoption*). He noted there had been a reduction of alcohol-related crime in the central city and only a small minority of establishments caused issues, which the police were able to manage. Incorporating a one-way door policy would increase conflict for bar staff to deal with and have an adverse impact on trade for establishments.
  - **Nathan Sweetman**, representing the Waikato Branch of HNZ, spoke in relation to Item 8 (*Provisional Local Alcohol Policy (LAP) – Adoption*). He noted that:
    - i. there was no evidence that a one-way door policy would reduce alcohol-related harm; and
    - ii. reducing the hours of on-licence suburban bars was not justified when they operated safely and effectively already.
  - **Stephen King**, representing the Alcohol & Drug Community Support Trust, spoke in support of the Provisional LAP (Item 8). He believed reducing the operating hours of off-licences and the introduction of a one-way door policy would reduce social harm in the community, which extended beyond individuals drinking irresponsibly.

Councillor Macpherson arrived during Item 4 - Public Forum (1:35pm).

## 5. Strategy and Policy Committee Open Minutes 22 September and 29 September 2015

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

That the Committee confirm and adopt as a true and correct record the Open Minutes of the Strategy and Policy Committee Meeting of 22 September 2015, subject to changing the word “entail” to “provide” in the first paragraph under *Item 9 - Central City Transformation Plan*.

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

That the Committee confirm and adopt as a true and correct record the Open Minutes of the Strategy and Policy Committee Meeting of 29 September 2015.

## 6. Annual Report from the Chairperson of the Older Persons Advisory Panel

Professor Peggy Koopman-Boyden, Chairperson of the Older Persons Advisory Panel (‘the OPAP’) highlighted, and responded to questions on, the following matters in relation to her Annual Report to the Committee:

- **Communications Plan**

The OPAP was currently working on a Communications Plan to better facilitate communication to and from older people in the community.

- **Older Persons Plan (‘the Plan’)**

As the Plan was a Council-owned plan, it was for Council to specifically direct the OPAP to consider and advise on the inclusion of additional issues – such as accommodation and health – in the Plan. Professor Koopman-Boyden stated that accommodation may have been removed from an earlier draft of the Plan, as was the case for other issues. The Community Development & Leisure Manager also noted that a report on strategic social housing, which would cover accommodation for elderly people, was to be presented to Council at its December meeting.

It was noted that the OPAP had been asked by other local authorities to advise on plans for older people, following Council’s adoption of the Older Persons Plan. Professor Koopman-Boyden also clarified that she shared information between the Waikato District Health Board and Council on issues that had been discussed in her respective roles for both organisations.

- **Council’s Relationship with OPAP**

Professor Koopman-Boyden suggested Council could improve how it worked with the OPAP through:

- i. more elected members attending the OPAP meetings; and
- ii. embedding the principles of the Plan in other Council plans and policies.

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

That the report from the Chairperson of the Older Persons Advisory Panel be received.

**Cr Macpherson dissenting.**

## 7. Hamilton Central City Safety Plan Update Report

The Community Development & Leisure Manager and the City Safe Unit Manager introduced Julie Nelson, The People's Project; Inspector John Kelly, New Zealand Police; and Sandy Turner, Hamilton Central Business Association ('HCBA'). Staff highlighted successes since the implementation of the Hamilton Central City Safety Plan.

Julie Nelson commented on the work of The People's Project, and her presentation was tabled. She restated the Project's objective was to end homelessness in Hamilton by December 2016; confirming that 91% of the 125 people for whom accommodation had been sourced remained housed. The majority of homeless people registered with the Project were male and under 50 years old.

Staff and the external representatives responded to questions on the following matters:

- **CCTV**  
CCTV was mainly used as a pre-emptive tool rather than to identify suspected perpetrators of criminal activity.
- **Increased Police Activity**  
Inspector Kelly confirmed that the heightened presence of police in the central city was a sustainable activity with targeted resources. He advised it was not a budget issue.
- **Zeal**  
Council's grant to Zeal contributed to its operation of various activities and training intended to re-engage youth that were disconnected from the community.
- **People's Project**  
The Project worked with a number of agencies, and advocated that finding suitable accommodation was the most sustainable means to end homelessness. Further planning and discussions were required to assist young people that were referred from CYFS once they turned 17.  
  
Miss Nelson also highlighted the increasing issue of affordability in relation to the provision of housing in the private sector.
- **HCBA Feedback**  
Miss Turner confirmed HCBA's members were happy with the results of the survey. HCBA noted a dramatic fall in the number of complaints it received from its members in relation to safety issues in the central city. The positive work of City Safe and The People's Project was acknowledged.
- **City Safe**  
While the number of telephone calls received by the City Safe unit had decreased over the last year, more information was now collected through these conversations. This enabled staff to change tactics and work with other agencies quickly.

The Community Development & Leisure Manager clarified that while the Recommendations from Management in the report contemplated some actions being removed, staff would continue to collate data and report to Council as required.

Councillor Green retired from the Meeting during discussion on Item 7 (*Hamilton Central City Safety Plan Update Report*) (3:45pm) and did not take part in voting on that Item.

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

That:

- a) the report be received;
- b) the following changes are made to the status report on the actions in the Hamilton Central City Safety Plan:
  - i. Remove the 12 completed actions that have been previously reported on from the action list;
  - ii. Remove the three “no longer required” actions from the action list;
  - iii. Remove the one success indicator that is no longer required; and
  - iv. Report on trend comparative data for the 0800 calls in the next six-monthly report;
- c) Council acknowledges and thank the stakeholders assisting with implementation of the Plan and in particular the Hamilton Central Business Association, the Police and the People’s Project.

**The Meeting adjourned from 3:40pm to 4:07pm.**

## **8. Provisional Local Alcohol Policy (LAP) - Adoption**

The City Safe Unit Manager, supported by the Programme Manager – Strategy, summarised the legal advice obtained by staff as requested by the Committee at its meeting on 29 September 2015:

- The proposed one-way door policy for a trial period was not possible without Council entering into a further special consultative procedure at the end of such period;
- The Alcohol Regulatory and Licensing Authority (‘ARLA’) decisions on LAPs considered that local evidence of alcohol-related harm had greater weight than other research that had minimal connection to the area affected by a LAP; and
- Council would not be required to re-consult should it include a one-way door policy in the Provisional LAP.

Staff responded to questions on the following points:

- **Suburban On-licences**

There were 60 establishments that currently were able to trade during the week beyond the proposed 11pm closing time in the Provisional LAP. It was estimated that 30 of these premises did operate beyond 11pm on a regular basis, Sunday to Thursday. 13 suburban on-licences had current maximum daily trading hours extending beyond 1am.

- **Explanatory Note**

- i. It was sufficient for the Explanatory Note in Attachment 2 of the staff report to be part of Council’s decision-making record; it was not required to be attached to the LAP itself.
- ii. The Executive Director Special Projects (‘Executive Director’) clarified that should the Committee reach a different decision on a specific issue to that which the Committee reached at its meeting on 29 September 2015, the rationale for that decision would

need to be clearly detailed and recorded.

The Committee agreed to postpone the discussion on Item 8 (*Provisional LAP*) until the City Solicitor was available to respond to legal questions. Item 9 (*Draft Public Places Policy and Bylaw for Public Engagement*) was considered by the Committee during the intervening period.

## 9. Draft Public Places Policy and Bylaw for Public Engagement

The City Safe Unit Manager stated the report presented was a recommendation from the Business and Investment Subcommittee. He highlighted the additional information which the Subcommittee requested, and the minor amendments that had been made to the draft Public Places Policy ('the draft Policy') and draft Public Places Bylaw ('the draft Bylaw') following the Subcommittee meeting of 9 October 2015.

Staff responded to questions on the following points on proposed mobile shops operating in the central city:

- It was conceivable that a person selling goods from a private passenger vehicle could be captured by the definition of 'Mobile shop' in the draft Policy.
- Public engagement on the draft Policy and Bylaw could take place without express reference to the charging structure that would be utilised for mobile shop permits.
- The HCBA had not expressed any reservations in relation to the presence of mobile shops.
- The exact location of permitted mobile shops under the draft Policy had yet to be determined.
- Street malls or markets were covered separately to mobile shops under the draft Policy.

**Motion:** (Her Worship the Mayor Hardaker/Cr Wilson)

That:

- a) the report be received;
- b) the proposed draft Public Places Policy is approved for public engagement to commence on 2 December 2015 and close on 15 January 2016;
- c) in relation to the proposed draft Public Places Bylaw 2016, to recommend to Council that:
  - i. The proposed draft Hamilton Public Places Bylaw 2016 is the most appropriate form of the bylaw;
  - ii. The proposed draft Hamilton Public Places Bylaw 2016 does not give rise to implications under the New Zealand Bill of Rights Act 1990; and
  - iii. The proposed draft Hamilton Public Places Bylaw 2016 be adopted by Council for public engagement to commence on 2 December 2015 and close 15 January 2016;
- d) the Business and Investment Subcommittee be delegated to hear and deliberate on submissions made to the proposed draft Public Places Bylaw 2016 and draft Public Places Policy.
- e) the Business and Investment Subcommittee reports a summary of the oral submissions and evidence presented on the proposed draft Public Places Bylaw 2016 and draft Public Places Policy, including recommendations, to the 16 February 2016 Strategy and Policy Committee as part of the staff report for deliberation and adoption.

In relation to the Amendment (Cr King/Cr Chesterman):

- the Executive Director clarified that, if supported, paragraphs 4.2 and 4.5 in the draft Policy would be replaced by the Amendment wording; and
- the General Manager Community confirmed that the draft Policy and Bylaw did not affect land governed by the Reserves Act (for example, parks and sporting event grounds).

**Amendment:** (Cr King/Cr Chesterman)

That mobile shops should not be allowed to operate in the Central City Zone of the Proposed Hamilton District Plan (Decisions Version).

**Those for the Amendment:** Councillors King, Gallagher and Chesterman

**Those against the Amendment:** Her Worship the Mayor Hardaker, Councillors Wilson, Pascoe, Yeung, Mallett, Tooman, O'Leary and Macpherson

**The Amendment was declared lost.**

**The Motion (Her Worship the Mayor Hardaker/Cr Wilson) was then put.**

**Resolved:** (Her Worship the Mayor Hardaker/Cr Wilson)

That:

- a) the report be received;
- b) the proposed draft Public Places Policy is approved for public engagement to commence on 2 December 2015 and close on 15 January 2016;
- c) in relation to the proposed draft Public Places Bylaw 2016, to recommend to Council that:
  - i. The proposed draft Hamilton Public Places Bylaw 2016 is the most appropriate form of the bylaw;
  - ii. The proposed draft Hamilton Public Places Bylaw 2016 does not give rise to implications under the New Zealand Bill of Rights Act 1990; and
  - iii. The proposed draft Hamilton Public Places Bylaw 2016 be adopted by Council for public engagement to commence on 2 December 2015 and close 15 January 2016;
- d) the Business and Investment Subcommittee be delegated to hear and deliberate on submissions made to the proposed draft Public Places Bylaw 2016 and draft Public Places Policy.
- e) the Business and Investment Subcommittee reports a summary of the oral submissions and evidence presented on the proposed draft Public Places Bylaw 2016 and draft Public Places Policy, including recommendations, to the 16 February 2016 Strategy and Policy Committee as part of the staff report for deliberation and adoption.

**Councillors Chesterman and King dissenting.**

## 8. Provisional Local Alcohol Policy (LAP) – Adoption (Continued)

The Committee continued its discussion on Item 8. Staff, supported by the City Solicitor, responded to additional questions on the following matters:

- **One-Way Door Policy**

- i. Should Council decide to include a one-way door policy, variables such as the duration or location of that policy would be at Council's discretion. Should Council decide at a later time to amend such policy, a special consultative process would need to be followed in relation to that amendment.
- ii. The following local authorities' respective positions were summarised:
  - Dunedin City Council's Provisional LAP, which was subject to appeal, included a one-way door policy;
  - Tauranga City Council's Provisional LAP that included a one-way door policy would become effective from the 16<sup>th</sup> November;
  - Christchurch City Council's Provisional LAP, which was subject to appeal, provided for its District Licensing Committee to impose a one-way door policy on non-compliant establishments.
- iii. In the absence of a LAP, only ARLA could impose a one-way door restriction on an establishment as a result of a successful prosecution.
- iv. The information contained under the heading *Evidence of peak in alcohol related events* on pages 84-85 was local evidence that could be taken into account by the Committee as part of its decision-making.

- **Process**

The City Solicitor confirmed that if the Committee's position on an issue changed from a previous meeting, the rationale for the altered position would need to be:

- i. based on information made available to the Committee at the Meeting; and
- ii. clearly detailed in the formal record of the Meeting.

The Democracy Manager also clarified that under Standing Order 3.8.4 the Committee could alter a previous resolution on a matter that was contained in a report from the Chief Executive at a later meeting.

### **The Meeting adjourned from 6:00pm to 6:10pm**

One-Way Door Policy (Key Issue 15, Attachment 2 of the staff report)

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

That clause 6 and the definition of 'One-way door restrictions' under the Definitions section be removed from the Provisional Local Alcohol Policy.

The Committee noted the following Explanatory Note for the Motion:

*There is minimal local evidence to suggest one-way door restrictions would reduce alcohol-related harm. Licensees are required, under their licence conditions, to manage people, intoxication and behaviour on the licensed premises at any time of the day. On-licences provide a controlled environment.*

**Amendment:** (Cr Macpherson/Cr Gallagher)

That a one-way door restriction apply to on-licences in the Central City Zone from 2.30am (Monday to Sunday) from the date this Policy comes into force.

The Committee noted the following Explanatory Note for the Amendment:

*Responsible on-licences manage people, intoxication and behavior on the licensed premises at any time of the day. The one way door policy will provide the legal backstop to be applied to all on-licences and is a measure to show Council is working with community agencies to protect youth. A one-way door policy is supported by Police submissions.*

**Those for the Amendment:** Councillors King, Gallagher, Yeung and Macpherson

**Those against the Amendment:** Her Worship the Mayor Hardaker, Councillors Wilson, Pascoe, Chesterman, Mallett, Tooman and O'Leary

**The Amendment was declared lost.**

**The Motion (Cr O'Leary/Her Worship the Mayor Hardaker) was then put.**

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

That clause 6 and the definition of 'One-way door restrictions' under the Definitions section be removed from the draft Provisional Local Alcohol Policy.

**Those for the Motion:** Her Worship the Mayor Hardaker, Councillors Wilson, Pascoe, Chesterman, Mallett and O'Leary

**Those against the Motion:** Councillors King, Gallagher, Yeung, Tooman and Macpherson

Suburban On-Licence Hours (Key Issue 1, Attachment 2 of the staff report)

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

That the maximum trading hours for on-licences in "Other" under clause 5 in the Provisional Local Alcohol Policy be Monday to Sunday 7am – 1am (the following day).

The Committee noted the following Explanatory Note for the Motion:

*There is minimal local evidence to suggest restricting trading hours in areas outside the Central City Zone would reduce alcohol-related harm. Licensees are required, under their licence conditions, to manage people, intoxication and behaviour on the licensed premises at any time of the day. On-licences provide a controlled environment. A consistent 1am closing provides certainty to the public.*

**Amendment:** (Cr Macpherson/Cr Gallagher)

That the maximum trading hours applicable to on-licences in Hamilton City be as follows for Other (Area):

Sunday – Thursday be 7am until Midnight; and  
Friday and Saturday be 7am until 1am (the following day).

The Committee noted the following Explanatory Note for the Amendment:

*There is minimal local evidence to suggest there are benefits in relation to alcohol related harm-minimisation. Licensees are required under their licence conditions to manage people, intoxication and behaviour at any time of the day. On-licences provide a controlled environment. Midnight closing reduces the impact of possible harm in the form of noise and behaviour in suburban locations.*

**Those for the Amendment:** Councillors King, Gallagher, Yeung and Macpherson

**Those against the Amendment:** Her Worship the Mayor Hardaker, Councillors Wilson, Pascoe, Chesterman, Mallett, Tooman and O'Leary

**The Amendment was declared lost.**

**The Motion (Cr O'Leary/Her Worship the Mayor Hardaker) was then put.**

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

That the maximum trading hours for on-licences in "Other" under clause 5 in the Provisional Local Alcohol Policy be Monday to Sunday 7am – 1am (the following day).

**Those for the Motion:** Her Worship the Mayor Hardaker, Councillors Wilson, Pascoe, Chesterman, Mallett, Tooman and O'Leary

**Those against the Motion:** Councillors King, Gallagher, Yeung and Macpherson

The Executive Director advised that Key Issue 5 in Attachment 2 of the staff report (*New Year and Christmas Eve hours*) changed to reflect the Committee's resolution on Suburban On-Licence Hours.

Off-Licence Hours (Issue 8, Attachment 2 of the staff report)

**Motion:** (Cr O’Leary/Her Worship the Mayor Hardaker)

That the maximum trading hours applicable to off-licences in Hamilton City be as follows:  
7am – 10pm Monday to Sunday.

The Committee noted the following Explanatory Note for the Motion:

*10pm closing reduces the availability of alcohol below that permitted for current licences. Other measures such as location restrictions also reduce the availability of alcohol. There is no evidence of a reduction of harm by reducing the opening hours by one hour (ie to 9pm).*

**Amendment:** (Cr Macpherson/Cr Yeung)

That the maximum trading hours applicable to off-licences in Hamilton City be as follows:  
7am – 9pm Monday to Sunday.

The Committee noted the following Explanatory Note for the Amendment:

*Reducing the trading hours from 10pm to 9pm reduces the availability of alcohol for evening consumption and pre-loading, which evidence suggests is an issue during these hours.*

Councillor Wilson retired from the Meeting (7:24pm) during debate on Item 8 and did not take part in voting on the Motion or Amendment for *Off-Licence Hours*.

**Those for the Amendment:** Councillors King, Yeung, Tooman and Macpherson

**Those against the Amendment:** Her Worship the Mayor Hardaker, Councillors Gallagher, Pascoe, Chesterman, Mallett and O’Leary

**The Amendment was declared lost.**

**The Motion (Cr O’Leary/Her Worship the Mayor Hardaker) was then put.**

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

That the maximum trading hours applicable to off-licences in Hamilton City be as follows:  
7am – 10pm Monday to Sunday.

**Those for the Motion:** Her Worship the Mayor Hardaker, Councillors Gallagher, Pascoe, Chesterman, Mallett and O’Leary

**Those against the Motion:** Councillors King, Yeung, Tooman and Macpherson

The Committee then discussed the amended Provisional LAP as resolved by the Committee. In response to questions, staff and the City Solicitor confirmed that if adopted by Council, the Provisional LAP would be publicly notified and subject to appeals for a period of 30 days from the date of notification. Staff proposed this would commence on 27 January 2016.

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

That:

- a) the report be received;
- b) the proposed Provisional Local Alcohol Policy be adopted including the changes resolved by this Committee;
- c) Council proceeds to publically notify the Provisional Local Alcohol Policy on 27 January 2016; and
- d) the Liquor Licensing Policy and Licensed Premises Policy be deleted.

**Those for the Motion:** Her Worship the Mayor Hardaker,  
Councillors Pascoe, Chesterman, Mallett  
and O'Leary

**Those against the Motion:** Councillors King, Gallagher, Yeung,  
Tooman and Macpherson

**The Motion was declared equal. The Chairperson exercised his casting vote against the Motion.**

**The Motion was declared lost.**

The Executive Director advised that as a result of the lost Motion, there was no Provisional Local Alcohol Policy to recommend to Council.

**The Meeting adjourned from 7:50 to 8:15pm.**

**Resolved:** (Cr King/Macpherson)

That the Meeting be adjourned and reconvene immediately after the Strategy and Policy Committee meeting (Gambling Policies) that is to take place on Thursday, 5 November 2015.

**The Meeting adjourned at 8:20pm.**

## The Meeting Reconvened at 3:20pm on Thursday 5 November 2015

### PRESENT

Chairperson	Cr A King
Members	Cr A O’Leary Her Worship the Mayor J Hardaker Cr G Chesterman Cr M Gallagher Cr D Macpherson Cr G Mallett Cr R Pascoe Cr L Tooman Cr P Yeung
In Attendance	Blair Bowcott – Executive Director Special Projects Lance Vervoort – General Manager Community Chris Allen – General Manager City Infrastructure Debra Stan-Barton – (Acting) General Manager City Growth Jude Pani – Democracy Manager Luke O’Dwyer – City Planning Unit Manager Aaron Fleming – Strategy and Research Unit Manager Kelvin Powell – City Safe Unit Manager Sally Sheedy – Parks & Open Spaces Manager Julie Clausen – Programme Manager - Strategy Andrew Parsons – Waters Manager Renee McMillan – Team Leader Planning & Assets Bryce Keogh – Senior Quality Advisor Building Control Paul Bowman – Principal Planner Susan Henderson – Principal Planner-2
Also In Attendance	Lachlan Muldowney – City Solicitor, Tompkins Wake Andrew Brown – Development Manager, Tainui Group Holding
Committee Advisors:	Mr B Stringer, Mr I Loiterton and Mrs J Pani

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### Apologies

The Committee noted the apologies from Councillors Green, Forsyth and Wilson.

### Agenda of Reconvened Meeting

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

That following the completion of Item 8 (*Provisional Local Alcohol Policy (LAP)*), Item 16 (*Consideration and Approval of HCC’s Draft Submission to the Building (Pools) Amendment Bill*) and Item 13 (*Frankton Neighbourhood Plan*) be received before considering the remainder of the Agenda.

## 8. **Provisional Local Alcohol Policy (LAP) – Adoption (Reconvened)**

The Chairperson referred to the supplementary information prepared by staff and circulated to Elected Members on 4 November 2015, which was tabled.

He noted that prior to the Meeting being adjourned on 3 November 2015, Councillor Macpherson had signaled his intention to move a procedural motion to refer this Item to the 26 November 2015 Council. The Chair advised that he proposed to accept this procedural motion, which the Committee would consider in accordance with Standing Orders.

In relation to the Procedural Motion (Cr Macpherson/Gallagher) that was displayed to members present, staff and the City Solicitor responded to questions on the following points:

- The intention of the procedural motion to refer the entire matter to Council for consideration was legal and acceptable.
- The report to Council should reflect the three resolutions that were carried by the Committee and the motion that was lost. These issues may be discussed and debated again by Council.
- Staff would address the effect of not having a LAP in their report to Council.

The Democracy Manager advised that a procedural motion differed from a standard motion in that it had priority and was not subject to debate or amendment.

**Resolved:** (Cr Macpherson/Cr Gallagher)

That under Standing Order 3.11.1(f) the item of business (*Agenda Item 8 – Provisional Local Alcohol Policy (LAP)*) being discussed be referred to the 26 November 2015 Council.

## 16. **Consideration and Approval of HCC's Draft Submission to the Building (Pools) Amendment Bill ('the Bill')**

The report was taken as read. The Senior Quality Advisor Building Control and Strategy and Research Unit Manager responded to questions on the following matters:

- **Inspections**  
The Bill proposed introducing an inspection regime to check fencing around pools were compliant as against the standards in place at the time a fence was constructed. Staff would utilise the information held by Council to assess which properties were subject to inspection.
- **Costs**  
The draft submission requested that Council would be able to recover its costs from pool owners for completing inspections.

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

That:

- a) the report be received;
- b) HCC's draft submission to the Building (Pools) Amendment Bill be considered and approved;
- c) following approval, HCC's final submission be sent to the Local Government and Environment Committee to meet the 5 November 2015 submission closing date;
- d) subsequent to Council's submission being sent to the Local Government and Environment Committee, the final submission be uploaded to HCC's website;
- e) local Members of Parliament be advised of and encouraged to support HCC's submission to the Building (Pools) Amendment Bill adopted at the 3 November 2015 Strategy and Policy Committee meeting.

Her Worship the Mayor Hardaker left the Meeting at the end of Item 8 (3:40pm), returned to the Meeting during discussion on Item 16 (3:48pm) and took part in voting on both items.

Cr Macpherson retired from the Meeting at the end of Item 16 (3:50pm).

### **13. Frankton Neighbourhood Plan**

The report was taken as read. The City Planning Unit Manager, supported by the Principal Planner, responded to questions in relation to the Frankton Neighbourhood Plan's ('the Frankton Plan') alignment with the Proposed District Plan ('PDP'). Staff clarified that:

- the Frankton Plan did not have any statutory authority and covered a multitude of zones;
- the Frankton Plan and Proposed District Plan were strategically consistent notwithstanding that they had different purposes;
- through the PDP appeals process, agreement was expected to enable alternative uses on industrial-zoned land situated in Frankton.

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

That

- a) the report be received;
- b) the draft Frankton Neighbourhood Plan is approved for a period of public engagement; and
- c) following public engagement, staff report back to the Strategy and Policy Committee in December 2015 with the final Plan for adoption.

**Councillors King and Mallett dissenting.**

## 10. Election Signs Policy - Review

The report was taken as read. In response to questions, the Democracy Manager advised that:

- size of election signs were a District Plan matter; and
- the Local Electoral Act regulated advertising wraps on vehicles.

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

### **Recommendation to Council**

That:

- a) the report be received; and
- b) the Election Signs Policy (Attachment 2 to the staff report) be deleted.

## 11. Road Stopping - Ruakura Rd & Percival Rd

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

### **Recommendation to Council**

That:

- a) the report be received;
- b) Council grants approval to initiate stopping the areas of Ruakura Rd and Percival Rd as indicated on Attachment 1 of this report subject to:
  - (i) The road stopping process be completed in terms of the Local Government Act 1974 (section 342 and 10<sup>th</sup> Schedule).
  - (ii) Public consultation commencing on receipt of approval of the Minister of Land Information to stop the parts of Ruakura Rd and Percival Rd together with a survey plan approved by Land Information New Zealand for the areas of road proposed to be stopped as indicated in Attachment 1.
  - (iii) Any objections received from the public consultation are to be reported back to Council for consideration.
  - (iv) Closing of the roads is not to be undertaken until construction of the new agreed alternative roads are complete.
- c) the Chief Executive be delegated authority to sign all documentation relating to the road stopping process and legalisation of the land.
- d) all costs associated with the road stopping process, physical works associated with the closure and new alternative routes, transfer of existing utility services and legalisation of the land to be the responsibility of Tainui Group Holdings Ltd.
- e) Council grants approval in principal for the transfer of the road area stopped to Tainui Group Holdings Ltd, upon the legalisation being completed and subject to any statutory obligations being met and also subject to the value of the land being included in a private development agreement to be reported back to Council for approval.
- f) all costs associated with the transfer of the land to be the responsibility of Tainui Group Holdings Ltd.

## 12. Road Stoppings - CDL Land New Zealand Ltd

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

### **Recommendation to Council**

That:

- a) the report be received
- b) an area of Brywood Rise totaling approximately 6162m<sup>2</sup>, as shown on Attachment 2, be stopped in terms of the Public Works Act 1981, subject to area being confirmed by a survey plan.
- c) the area of Brywood Rise stopped is transferred to CDL Land New Zealand Ltd in exchange for approximately 6552m<sup>2</sup> being vested in Council as road at no cost, as shown on Attachment 2, subject to area being confirmed by a survey plan.
- d) an area of Sylvester Road totaling approximately 1265m<sup>2</sup>, as shown on Attachment 3, be stopped in terms of the Public Works Act 1981, subject to area being confirmed by a survey plan.
- e) the area of Sylvester Road stopped is transferred to CDL Land New Zealand Ltd in exchange for approximately 1800m<sup>2</sup> being vested in Council as road at no cost, as shown on Attachment 3, subject to area being confirmed by a survey plan.
- f) road stopping process to be completed in terms of the Public Works Act 1981.
- g) Local Government Act road stopping process is to be completed if the Public Works Act 1981 process is unable to be complied with.
- h) all costs associated with the road stopping and land exchange processes are the responsibility of CDL Land New Zealand Ltd.
- i) the Chief Executive be delegated authority to sign all documentation relating to the road stopping and land exchange.

## 14. Hamilton Lake Domain - Management Plan Review Update

The report was taken as read.

The Parks & Open Spaces Manager and Team Leader Planning & Assets responded to questions on the following points:

- **Leases**  
Council had leases with The Verandah Café, Hamilton Yacht Club, Waikato Dragon Boat & Waka Ama Association, and the Hamilton Pigeon Racing Club.
- **Budget**  
The budget allocated to fund the development of the Management Plan was \$30,000. Staff were keeping record of staff time and expenditure and were well within budget for the current financial year.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Gallagher)

That:

- a) the report be received;
- b) a working group be established, consisting of Elected Members and external key stakeholders, to develop a strategic direction and vision for the Lake Domain;
- c) Councillors O’Leary, Green, Mallett and Gallagher be appointed to the working group;
- d) the working group meets in December 2015 to set the terms of reference and holds its first meeting in February 2016;
- e) the strategic direction and vision be used to inform the preparation of the Management Plan, and the draft Management Plan will be presented to Strategy and Policy Committee for endorsement for public consultation; and
- f) the budget allocated to this project is \$30,000 which includes the review of the operative Lake Management Plan.

**Councillors King and Mallett dissenting.**

**Minute Note:** It was agreed subsequent to the meeting that Councillor Yeung would replace Councillor O’Leary on the working group.

Her Worship the Mayor Hardaker retired from the Meeting (4:50pm) at the end of Item 14.

## **15. Regional Strategic Round Up Report**

The Executive Director highlighted the key issues from the report.

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

That the report be received.

## **17. Action List for 3 November 2015: Actions Still Underway or Pending for HCC submissions to External Organisations; and Policy & Bylaw Review Scheduling**

The Executive Director explained the rationale for the change to the report to expressly capture actions that had been deferred from the original date that the Committee had resolved to have such action(s) reported back.

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

That:

- a) the Report be received; and
- b) the Committee agree to the deferment of the items noted in the following table:

<b>Item and Resolution Date</b>	<b>Original Due Date*</b>	<b>Deferred To</b>
Zoo Strategic Review/Zoo Master Plan (16 July 2014)	19 November 2014	23 February 2016 <i>Presentation of Draft Zoo Master Plan deferred until independent review of Zoo operations has been completed. It is possible the draft Plan could require some amendments as a result of this review</i>
Community Facilities Report (8 April 2015)	7 July 2015	8 December 2015 <i>The Community facilities working group convened in September 2015, and the review to date has identified the complexity of the Community Facilities portfolio, and the unique challenges that each of the community facilities present. Further work is required by staff, with the final report to be presented at the December 2015 Strategy and Policy meeting.</i>
Heritage Plan and Fund Guidelines (26 May 2015)	3 November 2015	23 February 2016 <i>Deferred due to on-going consultation with mana whenua and Waikato Tainui on the Maaori content of the draft Heritage Plan. The report will be reported back to the Committee February 2016. The Chair of the Heritage Advisory Panel is aware of this situation and supportive of a delay to ensure a robust process is followed.</i>
Cemeteries Draft Management Plan (7 July 2015)	11 August 2015	8 December 2015 <i>To enable staff to complete work on the design and style of the Plan with external designers.</i>
Hamilton Alcohol Control Bylaw 2015 (7 July 2015)	3 November 2015	8 December 2015 <i>Agreed by respective Chairs of Strategy and Policy Committee and the Alcohol Control Bylaw Hearings Subcommittee, to take account of the Committee's work schedule for the 3 November Meeting.</i>

**The Meeting was declared closed at 4.58pm.**