
Strategy & Policy Committee

OPEN MINUTES

Minutes of a meeting of the Strategy & Policy Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 23 February 2016 at 1:30pm.

PRESENT

Chairperson	Cr A O’Leary
Deputy Chairperson	Cr A King
Members	Her Worship the Mayor J Hardaker Cr G Chesterman Cr M Forsyth Cr M Gallagher Cr K Green Cr D Macpherson Cr G Mallett Cr R Pascoe Cr L Tooman Cr E Wilson Cr P Yeung
In Attendance	Richard Briggs – Chief Executive Blair Bowcott – Executive Director Special Projects Sean Hickey – General Manager Strategy and Communications Chris Allen – General Manager Infrastructure Kelvyn Eglinton – General Manager City Growth Debra Stan-Barton – Planning Guidance Unit Manager Luke O’Dwyer – City Planning Unit Manager Alice Morris – City Planning Policy Team Leader Paul Bowman – Principal Planner Emily Botje – Water Asset Manager
Committee Advisor	Mr B Stringer and Mrs J Pani

1. Apologies

Resolved: (Crs O'Leary/Yeung)

That the apologies from Councillors Gallagher and Macpherson (both for lateness) be received and accepted.

It was noted that Councillors Green, Pascoe and Wilson would retire early from the Meeting.

2. Confirmation of Agenda

Resolved: (Crs O'Leary/Tooman)

The Committee to confirm the Agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

There was no Public Forum.

5. Strategy and Policy Committee Open Minutes 8 December 2015

Resolved: (Crs Wilson/O'Leary)

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

Councillor Gallagher arrived during Item 5 (1:35pm) and took part in the voting.

6. Heritage Plan and Historic Heritage Fund Guidelines

At the invitation of the Chairperson, Councillor Chesterman, as Chairperson of the Heritage Advisory Panel ('the Panel'), provided an overview of the Heritage Plan and Historic Heritage Fund Guidelines ('the Guidelines') as presented to the Committee. He also acknowledged the work undertaken by staff and the Panel members, and the input received from key stakeholders.

In response to questions, the City Planning Unit Manager and City Planning Policy Team Leader noted the following:

- **Budget**

Expenses incurred from November 2013 to date for this matter comprised:

- \$8,100 external production costs;
- \$83,000 staff costs (based on an averaged \$100/hour of staff time).

Under the 10 Year Plan, Council budgeted for \$100,000 from 2017 per annum towards the Heritage Fund. It was estimated that each application to the Fund would accrue costs of:

- iii. \$5,000 to \$6,000 for staff time; and
- iv. \$2,000 for external expenses (principally work undertaken by the Panel).

Staff did not envisage that the \$100,000 per annum budget would be exceeded and confirmed that all applications would be presented to Council for approval.

- **Consultation**

Consultation took place through Council's website, a public launch at the Arts Post and a separate meeting with local iwi representatives. Te ha o Te Whenua O Kirikiriroa Trust endorsed the Heritage Plan at the hui held in October 2015.

- **Artefacts**

The Museum and Library led the process for tracing and identifying artefacts; a brief overview of the legal position was outlined.

- **Heritage Protection Process**

Only Council was authorised to determine a heritage protection designation, which would subsequently be notified in the District Plan and subject to a hearings and submissions process. The conditions of the designation would be decided on the circumstances in each case.

Resolved: (Crs Chesterman/Gallagher)

Recommendation to Council

That:

- a) the report be received; and
- b) the Committee approves the Heritage Plan and Historic Heritage Fund Guidelines (as identified as Attachments 1 and 2 to the report).

Councillor Macpherson arrived during discussion on Item 6 (1:40pm) and took part in voting.

7. Frankton Neighbourhood Plan

The Chairperson, as Chairperson of the Frankton Neighbourhood Plan ('the Frankton Plan') Working Group, thanked the members of that group, staff and key external stakeholders, including Barry Lafferty who was present at the Meeting.

The following changes were requested to the Frankton Plan as presented to the Committee to align with the Biking Plan:

- **Pages 18-19**

- i. Reference to 'cycling' be changed to 'biking' in the second paragraph;
- ii. The first Outcome be amended to read:

"Frankton is easily accessible for pedestrians and people on bikes"

- iii. Under the heading 'Frankton Heritage Bike Loop':

- The first line be amended to read:

"Develop a circuit attractive for people on bikes...."; and

- Examples be provided of 'route enhancement features' for clarification.

iv. Find a substitute photo for the Western Rail Trail from the artist's impression used on page 19.

- **'Maaori'**

Staff would ensure there was consistent reference to the spelling of 'Maaori' throughout the Frankton Plan.

The City Planning Unit Manager and Principal Planner, supported by the Executive Director Special Projects ('the Executive Director') and Planning Guidance Unit Manager, responded to questions on the following points:

- **Western Rail Trail**

Reference to 'Complete Western Rail Trail' on page 22 of the Frankton Plan referred to the proposed extension of the current trail.

- **Vehicular Access**

Staff advised there was no intention in the Frankton Plan to reduce car access to Frankton.

- **Neighbourhood Plans**

i. Submissions received on the draft Frankton Plan wanted Frankton to be unique compared to other Hamilton suburbs. Staff referred to national and international examples where neighbourhood plans had been successful.

ii. The Frankton Plan set out the path and actions to achieve the proposed outcomes; it was acknowledged there was no guarantee such goals would be attained over time.

iii. Changes required to the District Plan, if any, to facilitate the Special Heritage Zone for Commerce Street would need to be presented to Council for consideration and approval.

- **Forlongs**

With reference to recent media reports, should Forlongs retail shop close for business, that site could be developed as offices, retail and/or apartments under the relevant District Plan zoning designation, subject to the satisfaction of statutory requirements.

- **Funding**

i. Some projects and actions contemplated in the Frankton Plan were budgeted within current operational budgets; others would require funding through successive Annual Plans or the next 10 Year Plan to progress.

ii. It was expected that work in relation to the Maaori Sites Plan would commence before the end of June 2016.

Staff confirmed the Frankton Plan would be presented to the Council meeting on 31 March 2016 for adoption.

Motion: (Crs O'Leary/Gallagher)

That:

- a) the report be received; and
- b) the Frankton Neighbourhood Plan incorporating the changes in Attachment 2 and as requested by the Committee be recommended to Council for adoption.

Amendment: (Crs Green/Wilson)

That:

- a) the report be received; and
- b) the Frankton Neighbourhood Plan ('the Plan') be deferred to the April 2016 meeting of the Council to enable staff to consider the outcome of the Forlong decision over its future and the Plan be altered to reflect the impact.

In response to a question on the Amendment (Crs Green/Wilson), staff advised that, should the Amendment be carried, substantial changes to the Frankton Plan would not be expected to reflect any decision made in relation to the future of the Forlong retail business.

The Amendment (Crs Green/Wilson) was put:

Those for the Amendment: Councillors Gallagher, Green, Wilson, Chesterman, Yeung and Macpherson

Those against the Amendment: Her Worship the Mayor Hardaker, Councillors King, Forsyth, Mallett, Tooman and O'Leary

The Amendment was declared equal. The Chairperson exercised her casting vote against the Amendment.

The Amendment was declared lost. The Motion (Crs O'Leary/Gallagher) was then put:

Resolved: (Crs O'Leary/Gallagher)

Recommendation to Council

That:

- a) the report be received; and
- b) the Frankton Neighbourhood Plan incorporating the changes in Attachment 2 and as requested by the Committee be recommended to Council for adoption.

Those for the Motion: Councillors Gallagher, Wilson, Forsyth, Yeung, Hardaker, Tooman, O'Leary and Macpherson

Those against the Motion: Councillors King, Green, Chesterman and Mallett

The Meeting adjourned from 3:25pm to 3:45pm during debate on Item 7

Councillor Pascoe retired from the Meeting (3:45pm) during the adjournment and did not take part in voting on Item 7.

8. Gambling Policies Review 2015 - Adoption Report

The Executive Director introduced the report and highlighted the history of the issues that were to be considered by the Committee. He recommended that Recommendations from Management (paragraph 12 in the staff report) be decided as follows:

- (a) to (d), the effect of which is to adopt the TAB Board Venue Policy and Class 4 Gambling Policy ('the Class 4 Policy'; together, 'the Gambling Policies') as presented to the Committee; and then
- (e) and (f), the effect of which was to commence a special consultative procedure for the amendments to the Gambling Policies as approved by the Committee at its meeting on 5 November 2015 ('the November meeting').

In response to questions, the Democracy Manager clarified the requirements under Standing Order 3.8 for the Committee to revoke its prior resolutions from the November meeting. It was also confirmed that Council could reach a different decision than the Committee when the item was recommended to Council for decision.

Motion: (Crs O'Leary/Forsyth)

That:

- a) the report be received;
- b) the proposed Class 4 Gambling Venue Policy be adopted;
- c) the proposed TAB Board Venue Policy be adopted;
- d) the proposed Class 4 Gambling Venue Policy and the proposed TAB Board Venue Policy, as adopted above, come into force on 2 March 2016.

Amendment: (Crs King/Macpherson)

That:

- a) the item *Gambling Policies Review 2015 – Adoption Report* be referred back to the March 2016 Strategy and Policy Committee meeting.
- b) the Chief Executive is instructed to include in the staff report presented at the March 2016 Meeting the following additional issues:
 - i. An amended Class 4 Gaming Venue Policy incorporating Option A (no relocation) as presented to the 5 November 2015 Strategy and Policy Committee meeting; and
 - ii. A cap on the number of machines that can be operated at a combined site with regards to mergers of private clubs.

The Executive Director explained the effect of the Amendment (Crs King/Macpherson), if carried, was that the discussions on the relocation of gaming machines and merger of clubs would be re-opened through a staff report presented to the Committee at its next meeting. It would not be appropriate for the matters in paragraph 12 (e) and (f) of the staff report to be taken forward in that situation.

He also confirmed that the Amendment (Crs King/Macpherson) did not give rise to a risk in terms of time restrictions to conclude adoption of the Gambling Policies.

In response to questions, the Executive Director noted that the Class 4 Policy, as presented at the Meeting, was more permissive than the existing policy in place, though it was subject to prescribed rules.

The Amendment (Crs King/Macpherson) was then put:

Those for the Amendment:	Councillors King, Gallagher, Wilson, Yeung, Mallett and Macpherson
Those against the Amendment:	Her Worship the Mayor Hardaker, Councillors Green, Forsyth, Chesterman, Tooman and O'Leary

The Amendment was declared equal. The Chairperson elected not to use her casting vote.

The Meeting adjourned from 4:35 to 4:40pm during debate on Item 8.

Following the adjournment, a procedural motion was put:

Resolved: (Crs O'Leary/Mallett)

That the item of business being discussed be referred to the March 2016 Council.

Those for the Procedural Motion:	Councillors King, Gallagher, Green, Wilson, Yeung, Mallett, O'Leary and Macpherson
Those against the Procedural Motion:	Her Worship the Mayor Hardaker, Councillors Forsyth, Chesterman, Tooman

Staff clarified that the report to Council would address the issues raised by the Committee at the Meeting.

Councillor Mallett retired from the Meeting (4:50pm) at the conclusion of Item 8.

9. Trade Waste and Wastewater Bylaw for Public Engagement

The General Manager City Infrastructure and Water Asset Manager responded to questions on the following points in relation to the Trade Waste and Wastewater Bylaw ('the Bylaw'):

- **Engagement Process**

Public engagement on the proposed Bylaw would proceed by way of:

- i. an opportunity to provide written submissions; and
- ii. a drop-in session, supported by Elected Members, for individuals and organisations to present comments and question staff. It was intended this event would be in lieu of formal hearings as permitted under the Local Government Act.

Staff did not expect many submissions as they had already discussed the proposed Bylaw with key stakeholders.

Staff would compile and include feedback received in their report to the Committee on 19 July 2016.

- **Plain English**

Staff would review the use of Plain English in the Bylaw when reporting back to the Committee in July 2016.

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

That:

- a) the report be received;
- b) Council determine that the proposed Hamilton Trade Waste and Wastewater Bylaw 2016 is the most appropriate form of bylaw;
- c) Council determine that the proposed Hamilton Trade Waste and Wastewater Bylaw 2016 does not give rise to implications under the New Zealand Bill of Rights Act 1990;
- d) the proposed draft Trade Waste and Wastewater Bylaw 2016 be adopted by Council for public engagement;
- e) Councillor Tooman be delegated to receive spoken submissions made to the proposed draft Trade Waste and Wastewater Bylaw 2016 at the drop-in session on 22 March 2016; and
- f) a summary of the submissions received on the proposed Trade Waste and Wastewater 2016, including recommendations, is presented to the 19 July 2016 Strategy and Policy Committee meeting as part of the staff report for deliberation and adoption.

Staff were requested to inform all Elected Members of the time and venue of the drop-in session.

Councillor Green retired from the Meeting (4:55pm) during discussion on Item 9 and did not take part in voting.

10. **Regional Strategic Round Up Report**

The Executive Director, supported by the General Manager City Infrastructure ('the GM City Infrastructure'), responded to questions on the following points:

- **Easter Trading**

No discussion had taken place at the Mayoral Forum on this particular matter. It was expected that a standardised approach would be adopted by territorial authorities to any proposed bylaw, contemplated in the Bill before Parliament.

- **Council Briefing**

The Healthy Rivers Plan and updates on Future Proof and the Waikato Plan were to be included in the briefing to Elected Members in March 2016.

Resolved: (Her Worship the Mayors Hardaker/Cr Gallagher)

That the report be received.

11. Consideration and Approval of HCC's Draft Submission to the NZTA's Vehicle Dimensions and Mass Rule 2002 Review (23 February 2016)

The GM City Infrastructure spoke to the report and responded to questions on the following points:

- **Tolerance Levels**
Some other territorial authorities advocated that weighing tolerance levels be zero, which differed from the draft submission presented.
- **Safety Analysis**
 - i. The New Zealand Transport Authority's discussion document relating to the review of the Vehicle Dimensions and Mass ('VDAM') Rule did include some commentary on safety risks, though it was too early to define trends.
 - ii. The draft submission adopted a conservative approach in terms of not supporting changes that increased the risk profile to urban road safety and/or pavement integrity.
- **Heavy Vehicle Controls in Hamilton City**
 - i. The GM City Infrastructure provided an explanation of the maps on pages 191 to 193 (respectively) in the Agenda.
 - ii. Council had already determined which roads High Productivity Motor Vehicles ('HPMV's') could use in Hamilton, subject to obtaining the required permit. During the last two years, there were no noticeable issues or increased complaints in relation to such roads.

The GM City Infrastructure was agreeable to including in the submission a comment to the effect that safety outcomes of HPMVs was of interest to Council and should be monitored and reported back.

Resolved: (Crs Chesterman/Gallagher)

That:

- a) the report be received;
- b) HCC's 23 February 2016 **Draft 2** submission (#457) to the NZ Transport Agency's 'Vehicle Dimensions and Mass 2002 Rule Review' be considered and approved;
- c) the approved submission be sent to the NZ Transport Agency to meet the agreed extended submission closing date of 24 February 2016;
- d) the approved submission be uploaded to HCC's website;
- e) local Members of Parliament be advised of and encouraged to support the approved submission; and
- f) Councillor Macpherson is appointed to present the Council's submission if the opportunity arises.

The GM City Infrastructure advised that it was not expected there would be a hearings process in relation to the NZTA's discussion document; this was more likely after changes to the VDAM Rule were proposed for submission.

Councillor Wilson retired from the Meeting (5:23pm) during discussion of the above item and did not take part in voting.

12. Consideration and Approval of Three Hamilton City Council Submissions to External Organisations

The City Planning Unit Manager, supported by the Planning Guidance Unit Manager, outlined the three submissions presented and the key issues. The following changes were suggested by Committee members:

- **Ministry for the Environment's *Developing the National Policy Statement on Urban Development* (Attachment 1 to the staff report)**

i. Paragraph 2.3 to read:

"...a major metropolitan centre in New Zealand, in terms of population."

ii. Paragraph 2.8 to read:

"Hamilton is the third smallest territorial authority by land area (110km²) and the smallest metropolitan centre in New Zealand. Hamilton does not have vast land resources for urban development at its disposal...."

Staff explained that compared to other metropolitan authorities, Hamilton did not have large rural areas available for development.

iii. Paragraph 2.8 to be clarified to specify the estimated (30-year) timeframe for new developments based on expected growth rates.

- **Resource Legislation Amendment Bill (Attachment 3 to the staff report)**

Amend the last sentence in paragraph 2.1.8 to read:

"HCC recommends that Central Government provides a pool of funding interest-free with repayment through development levies."

Her Worship the Mayor retired from the Meeting (5:40pm) during discussion on Item 12 and did not take part in voting.

Resolved: (Crs Chesterman/Yeung)

That:

- a) the report be received;
- b) HCC's 9 February 2016 submission (#456) to the Ministry for the Environment's initial consultation on 'Developing the National Policy Statement on Urban Development' be considered and retrospectively approved;
- c) the Ministry for the Environment be advised of any changes made to submission #456 at the 23 February 2016 Strategy and Policy Committee meeting;
- d) HCC's **Draft 2** submission to the 'Urban Planning Inquiry' (#458) be considered and approved;
- e) HCC's **Draft 2** submission to the 'Resource Legislation Amendment Bill' (# 459), subject to the change requested by the Committee, be considered and approved;
- f) approved submission #458 and #459 be sent to the relevant organisation to meet the submission closing date;
- g) subsequent to the Strategy and Policy Committee's approval, the three approved submissions be uploaded to HCC's website; and
- h) local Members of Parliament be advised of and encouraged to support the three approved submissions.

13. Action List for 23 February 2016: and Actions Still Underway or Pending for HCC submissions to External Organisations

The following points were noted:

- Staff would update the action in relation to the Community Facilities Report;
- References to the Committee Meeting on 24 March 2016 would be changed to read "22 March 2016";
- An update on the appeals lodged against the Proposed Local Alcohol Policy would be included in an Executive Update.

Resolved: (Crs King/Macpherson)

That:

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

Item and Resolution Date	Original Due Date	Deferred To
Sustainable Hamilton Strategy (Sustainability Panel Report) (22 September 2015)	23 February 2016	24 March 2016 <i>Additional time is required to appropriately engage with the Sustainability Advisory Panel prior to reporting to the Committee.</i>
Cemeteries Draft Management Plan (8 December 2015)	23 February 2016	25 February 2016 (Council) <i>Item referred to Council for final approval and adoption of Plan.</i>

14. Resolution to Exclude the Public

Resolved: (Crs Chesterman/Yeung)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Strategy and Policy Committee Public Excluded Minutes 8 December 2015) 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 maintain legal professional privilege	Section 7 (2) (g)
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Councillors Macpherson and Gallagher dissenting.

Councillors Macpherson and King left the Meeting (6:00pm) at the conclusion of Item 14.

Due to a lack of quorum, the Meeting was Closed at 6:00pm. The Public Excluded Item would be referred to the next Committee Meeting for consideration.