

Minutes of a meeting of the  
**City Development Committee — OPEN**

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Time and date:	9.30am, Tuesday, 17 February 2009.
Venue:	No. 1 Committee Room, 1 <sup>st</sup> Floor, Council Building, Garden Place, Hamilton.
Committee Members:	Councillors G M Saunders (Chairperson) G D Chesterman J R Gower R E Hennebry P M Mahood A R O'Leary M J Westphal
In Attendance:	His Worship the Mayor Mr R M Simcock and Councillor Di Maio. Chief Executive, Deputy Chief Executive, General Manager Communication & Marketing, General Manager Environmental Services & City Planning, General Manager Works & Services, City Safe Unit Manager, Unit Manager Strategy & Research, City Strategy Team Leader, Emergency & Community Safety Manager, Land Use Team Leader, Property Manager and Strategic Land Manager.
Committee Advisor:	Ms F M Yates

**SECTION A: DECISIONS MADE UNDER DELEGATED AUTHORITY FOR NOTING BY THE COUNCIL**

- 1. Confirming the Agenda**  
The Committee to confirm the agenda.  
**Resolved:** (Crs Hennebry/O'Leary)  
That the agenda be confirmed.
- 2. 13/16/26. Council Resolution Monitoring Report**  
The Committee to receive the above report.  
**Resolved:** (Crs Gower/O'Leary)  
That the report as circulated be received.

The following items were taken out of order to accommodate the attendance of submitters.

**3. 15/4-2. WVEOA (Waikato Valley Emergency Operations Area) Emergency Management Committee**

The Committee to receive the open minutes of a meeting of the WVEOA Emergency Management Committee held on 28 November 2008.

**Motion:** (Crs Mahood/Gower)  
That the minutes as circulated be received noting that there are changes to Item L. (refer points c. and d.) and a further report will be submitted to the City Development Committee for consideration in April.

**The Motion was declared carried on the voices as the Committee's decision for noting by the Council.**

**4. 13/5/2. Petition Received by Council — "Keep the Waipa Delta in Hamilton"**

The Committee to consider a report and recommendations from the General Manager Environmental Services & City Planning.

The Petition Organiser, Mr Ron Harsant, addressed the Members of the Committee concerning the petition expressing his support for the service.

**Motion:** (Crs Hennebry/Chesterman)  
That staff meet with Mr Goudie to explore the new options as outlined in the report before the Committee to keep the Waipa Delta in Hamilton.

**Amendment:** (Crs Mahood/Gower)  
That:

- a) the report as circulated be received, and
- b) Council acknowledge receipt of the petition, but despite the options available to him, Mr Goudie has confirmed that the Waipa Delta will be leaving Hamilton.

**The Amendment was declared carried 4-3 on a show of hands.**

**The Amendment as the Motion was then put and declared carried 4-3 on a show of hands as the Committee's decision for noting by the Council.**

**Councillors Chesterman, Hennebry and O'Leary dissenting.**

**5. 13/16/22-3. Economic Development Agency**

The Committee to consider a report and recommendations from the General Manager Communication & Marketing.

Mrs Sandra Perry, Chief Executive, Business Development Centre was in attendance to present her report and address the Members of the Committee. She advised that the Economic Summit is now to take place on 23 March 2009 and not on 11 March 2009 as advised in her report.

**Resolved:** (Crs Westphal/Gower)  
That:

- a) the report as circulated be received, and
- b) the Business Development Centre's report for the period October to December 2008 be received.

## SECTION B: RECOMMENDATIONS OF THE COMMITTEE FOR ADOPTION BY THE COUNCIL

The following item was taken out of order to accommodate the attendance of submitters.

### 6. 13/19. Submissions on the Draft Hamilton Public Places Bylaw and Draft Public Places Policy

The Committee to hear submissions and consider a report and recommendations from the General Manager Environmental Services & City Planning.

The following submitters were in attendance and addressed Members of the Committee:

#### **Mr Des Fahey, Chairman, Council of Elders:**

The Council of Elders supports the use of a bylaw to regulate the outdoor dining and trading activity in public places. Supports the principal of clearways for easy pedestrian access. Suggests that there is an opportunity to increase the width of the footpath in the southern end of Victoria Street. Supports the proposed concept of markets such as the Farmers Market and the vendors such as the Potato Seller but does not agree with only allowing mobile shops outside the CityHeart area.

#### **Mr Les Vuletich & Mrs Gloria Langworthy:**

Submitters supports the proposed concept of markets. Would like to hold an antique and collectables market in Garden Place once a month on a Sunday over summer. Requested that Council consider a way of fixing awnings or shelter for the markets in a more permanent way as gazebos unable to be secured create a safety hazard. Supports clearways for easy pedestrian access but raised the problem of vehicles driving through to the Pascoes Apartment Block and parking in front of the library and along the pedestrian walkway. Would like to see much stricter bylaws enforced on the use of skateboards and the riding of cyclists on footpaths, especially through the alfresco dining areas.

#### **Messrs Allan Prestidge and Alan Thomas:**

Submitter wished to ensure that the preaching of the gospel remains a permitted activity in garden place and other places in the central city.

#### **Mrs Judy McDonald, Living Streets:**

Submitter's main concerns lie in two areas: Safety and convenience of use of footpaths for pedestrians and how the proposed bylaw and policies will actually effect the "life and vibrancy" of the central city. Submitter emphasised the need for careful consideration of potential tripping hazards caused by fixing points for street furniture. By making it harder rather than easier for small traders and stalls to be part of the regular day to day life of the CBD, the proposed policies may be counterproductive.

**Recommended:** (Crs Westphal/Gower)  
That:

- a) the report and the attached submissions as circulated be received,
- b) the submitters be thanked for their input,
- c) the proposed amendments to both the draft Hamilton Public Places Bylaw and the draft Public Places Policy (as outlined in 4.0 and 5.0 of the report before the Committee) be supported,

- d) as an exception to the clause in the Public Places Policy that will prohibit mobile shops from trading in the CityHeart area, the existing vendor operating in Civic Plaza be granted existing use rights and be allowed to continue to trade,
- e) from 1 July 2009, the existing vendor be subject to the fees and charges relating to mobile shops as outlined in the proposed 2009-19 LTCCP and that this exemption to trade in the CityHeart ceases on the sale or closure of this business,
- f) the CityHeart Project Manager investigate options for clearly delineating the continuous pedestrian clearway and that businesses utilising the footpath for outdoor dining be asked to contribute to this cost,
- g) the amended draft Hamilton Public Places Bylaw 2009 and draft Public Places Policy be adopted,
- h) the Hamilton City Public Places and Signs Bylaw 1996 and the Hamilton City Trading in Public Places Bylaw 1999 be revoked,
- i) the Garden Place - Use Control Policy and the Footpath Advertising - Fee Remission Policy be deleted,
- j) the Hamilton Public Places Bylaw 2009 and Public Places Policy come into force on 1st July 2009,
- k) Section 2 of the Licensed Premises Policy be amended to "This approval applies between the hours of 7.00am to 1am for both dining and/or the consumption of liquor on the footpath and in accordance with the Sale of Liquor Act", and
- l) the alfresco dining trial for Victoria St and Hood St and associated conditions cease 1 July 2009.

**The Meeting adjourned for lunch 12.35pm-1.05pm.**

**7. 290/S79. Sylvester Road - Stopping**

The Committee to consider a report and recommendations from the General Manager Works & Services.

**Recommended:** (Crs Hennebry/Gower)  
That:

- a) the report as circulated be received, and
- b) pursuant to Section 116 of the Public Works Act the Hamilton City Council resolves to consent to the stopping of Section 6, SO Plan 61524 of 2508m<sup>2</sup> and further pursuant to Section 117(3)(b) certifies that it considers it equitable to amalgamate the stopped road with the adjoining land in Computer Freehold Register 179934 (owned by CDL Land New Zealand Limited).

**8. 290/R56. Ruffell Road - Stopping**

The Committee to consider a report and recommendations from the General Manager Works & Services.

**Recommended:** (Crs Chesterman/Gower)  
That:

- a) the report as circulated be received, and
- b) pursuant to Section 116 of the Public works Act 1981, the Hamilton City Council consents to the Minister of Land Information declaring the portion of road described in the schedule, to be stopped and remained vested in Council.

South Auckland Land District — Hamilton City

**SCHEDULE**

<b>Area</b>	<b>Description</b>
65m <sup>2</sup>	Section 1 on SO Plan 411630

**9. 33/2. & 290/T23. Purchase of 616m<sup>2</sup> Land at Te Rapa Road for Planting Strip**

The Committee to consider a report and recommendations from the Deputy Chief Executive.

**Recommended:** (Crs Gower/Mahood)  
That:

- a) the report as circulated be received, and
- b) Council approve the purchase of 616m<sup>2</sup> of land from Quadrant Properties Limited at Te Rapa Road for the sum of \$169,400 exclusive of GST, if any.

## 10. Resolution to Exclude the Public

### Section 48, Local Government Official Information and Meetings Act 1987

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

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 are as 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
1. Purchase of Land	) Good reason to withhold ) information exists under ) Section 7 Local Government	Section 48 (1) (a)
2. World Rowing Championships 2010	) Official Information and ) Meetings Act 1987 )	

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 the relevant part of the proceedings of the meeting in public are as follows:

Item 1.	To enable Council to carry out negotiations	Section 7 (2) (i)
Item 2.	To prevent the disclosure or use of official information for improper gain or improper advantage.	Section 7 (2) (j)

# Committee Minutes

The following minutes are attached:

WVEOA (Waikato Valley Emergency Operations Area)  
Emergency Management Committee ..... 28 November 2008

## W.V.E.O.A (Waikato Valley Emergency Operations Area) Emergency Management Committee — OPEN

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Time and date:	10.00am, Friday, 28 November 2008.
Venue:	Emergency Operations Centre, Duke Street, Hamilton.
Committee Members:	Cr J R Gower (Hamilton City Council) — Chairperson Cr R E Hennebry (Hamilton City Council) Cr P M Mahood (Hamilton City Council) Mr S Fowlds (Environment Waikato) Mr M Garrett (Waikato District Council) Mr J Mills (Waipa District Council) Mr M Taylor (St John Ambulance Services) Mr S Wakeman (Hamilton International Airport)
In Attendance:	Emergency and Community Safety Manager and Emergency Management Officer.
Committee Advisors:	Mr A J Dick
Apologies:	Mr M Berryman (NZ Fire Service), Mr Roy Breeze (NZ Fire Service), Mr Trevor Coburn (Waikato District Health Board), Mr Stuart Cockburn (District Health Board), Ms Freda Grace (NZ Police), Inspector J Kelly (NZ Police), Mr A Loe (Otorohanga District Council), Mr J Moran (Waitomo District Council) and Mrs S Vowles (Ministry of Civil Defence).
Resolved:	(Mr Garrett/Cr Mahood) That the apologies be accepted.

### DECISIONS FOR NOTING BY THE CITY DEVELOPMENT COMMITTEE

#### A. 15/4-2. Appointment of Chairperson

The Committee to appoint a Chairperson.

**Resolved:** (Messrs Wakeman/Garrett)  
That Councillor Gower be appointed as the Chairperson of the W.V.E.O.A meeting to be held on 28 November 2008.

**B. 15/4-2. Confirmation of the Agenda**

The Committee to confirm the agenda.

**Resolved:** (Mr Garrett/Cr Hennebry)  
That the agenda be confirmed.

**C. 5/4-2. W.V.E.O.A Activities — July 2008 to October 2008**

The Committee to consider a report from the Emergency and Community Safety Manager.

**Resolved:** (Mr Wakeman/Cr Gower)  
That the report as circulated be received.

**D. 15/4-2. Local Controller Subcommittee Minutes 16 October 2008**

Minutes of the meeting held on the 16 October 2008 attached for discussion.

**Motion:** (Crs Mahood/Hennebry)  
That:

- a) the minutes of the W.V.E.O.A Emergency Management Subcommittee held on 16 October 2008 be received,
- b) the Emergency and Community Safety Manager write to the Territorial Authorities to inform them of the commitment of Local Controllers, and the requirement to complete the Training Pathway within two years, and
- c) the Subcommittee to meet in February 2009 to establish a review period and ranking of Local Controllers.

**The Motion was declared carried on the voices as the Committee's decision.**

**E. 15/4-2. W.V.E.O.A Exercise Choking Ash Evaluation**

The Committee to consider a report from the Emergency and Community Safety Manager.

**Motion:** (Messrs Garrett/Mills)  
That:

- a) the report as circulated be received,
- b) additional research be undertaken on internet capabilities for Emergency Management activities, and
- c) the Committee acknowledge the work undertaken by volunteers during the exercise.

**The Motion was declared carried on the voices as the Committee's decision.**

**F. 15/4-2. W.V.E.O.A Welfare Advisory Group Minutes 20 October 2008**

The Committee to receive the minutes of the Waikato Valley Welfare Advisory Group.

**Resolved:** (Messrs Wakeman/Garrett)  
That the above minutes of the W.V.E.O.A Welfare Advisory Group held on 20 October 2008 be received.

**G. 15/4-2. C.E.G. Meeting 7 November 2008 and 11 July 2008**

The Committee to consider a verbal report from the Emergency and Community Safety Manager.

The Emergency and Community Safety Manager outlined various programmes available and the importance of information systems.

**Resolved:** (Cr Hennebry/Mr Wakeman)  
That the verbal report be received.

**H. 15/4-2. Waikato Valley Community Response Groups Project**

The Committee to consider a report from the Emergency and Community Safety Manager.

**Resolved:** (Cr Mahood/Mr Wakeman)  
That the report as circulated be received.

**I. 15/4-2. Roles and Responsibilities for the W.V.E.O.A**

The Committee to consider a report from the Emergency and Community Safety Manager.

**Resolved:** (Messrs Fowlds/Mills)  
That:

- a) the report as circulated be received,
- b) the Committee accept the Roles, Responsibilities and Delegations for overall Operational Readiness.

**J. 15/4-2 C.D.E.M. Glossary of Terms**

The Committee to consider a report from the Emergency and Community Safety Manager.

**Resolved:** (Cr Mahood/Mr Garrett)  
That:

- a) the report as circulated be received, and
- b) there be regular reviews undertaken on the Glossary of Terms report.

**K. 15/4-2 C.D.E.M. Abbreviations**

The Committee to consider a report from the Emergency and Community Safety Manager.

**Resolved:** (Cr Mahood/Mr Garrett)  
That:

- a) the report as circulated be received, and
- b) there be regular reviews undertaken on the Abbreviations report.

**DECISION FOR CONSIDERATION BY THE CITY DEVELOPMENT COMMITTEE**

- L. **15/4-2. W.V.E.O.A Administering Authority Budget — LTCCP 2009/10 onwards**  
The Committee to consider a report from the Emergency and Community Safety Manager.

**Motion:** ( Messrs Garrett/Mills)  
That:

- a) the report as circulated be received,
- b) the Committee confirm \$615,000 be the total sum required to operate the Emergency Facility and Operations,
- c) \$40,000 be taken from the group charge, which will require a redistribution of costs, and
- d) the distribution being \$30,000 from Hamilton City Council and \$10,000 from the Waikato Valley, noting that a complete review of the rationale of costs are required for future budgets.

The Motion was declared carried on the voices as the Committee's recommendation for adoption by the individual Councils.

**The meeting was declared closed at 11.55am.**

The above minutes of the City Development Committee before the Council.

**Resolved:** (Crs Saunders/Westphal)  
That with the exception of Item 6, the decisions in Section A be noted and recommendations in Section B be adopted.

**Item 6: 13/19. Submissions on the Draft Hamilton Public Places Bylaw and Draft Public Places Policy**

**Motion:** (Crs Saunders/Westphal)  
That:

- a) the report and the attached submissions as circulated be received,
- b) the submitters be thanked for their input,

- c) the proposed amendments to both the draft Hamilton Public Places Bylaw and the draft Public Places Policy (as outlined in 4.0 and 5.0 of the report before the Committee) be supported,
- d) as an exception to the clause in the Public Places Policy that will prohibit mobile shops from trading in the CityHeart area, the existing vendor operating in Civic Plaza be granted existing use rights and be allowed to continue to trade,
- e) from 1 July 2009, the existing vendor be subject to the fees and charges relating to mobile shops as outlined in the proposed 2009-19 LTCCP and that this exemption to trade in the CityHeart ceases on the sale or closure of this business,
- f) the CityHeart Project Manager investigate options for clearly delineating the continuous pedestrian clearway and that businesses utilising the footpath for outdoor dining be asked to contribute to this cost,
- g) the amended draft Hamilton Public Places Bylaw 2009 and draft Public Places Policy be adopted,
- h) the Hamilton City Public Places and Signs Bylaw 1996 and the Hamilton City Trading in Public Places Bylaw 1999 be revoked on 1 July 2009,
- i) the Garden Place - Use Control Policy and the Footpath Advertising - Fee Remission Policy be deleted on 1 July 2009,
- j) the Hamilton Public Places Bylaw 2009 and Public Places Policy come into force on 1 July 2009,
- k) Section 2 of the Licensed Premises Policy be amended to "This approval applies between the hours of 7.00am to 1am for both dining and/or the consumption of liquor on the footpath and in accordance with the Sale of Liquor Act", and
- l) the alfresco dining trial for Victoria St and Hood St and associated conditions cease 1 July 2009.

**The Motion was declared carried on the voices.**

#### **Item 4: Petition Received by Council - "Keep the Waipa Delta in Hamilton"**

At the request of Councillors, His Worship the Mayor allowed further discussion concerning Item 4 noting that it is a Section A Item.

The Chief Executive advised Council that he had been in discussions with owner Mr Mark Goudie concerning possible options regarding the future of the Waipa Delta.

**Minute Note:** The Chief Executive to report back to Council providing further information including financial implications for consideration.