

HUTT CITY COUNCIL

Minutes of an ordinary meeting of The Hutt City Council held in the Wainuiomata Chambers, Wainuiomata Library, Queen Street, Wainuiomata on  
Tuesday 28 July 2015 commencing at 6.00pm

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**PRESENT:** Acting Mayor D Bassett (Chair)  
Cr C Barry Cr B Branch  
Cr L Bridson Cr MJ Cousins  
Cr T Lewis Cr M Lulich  
Cr G McDonald Cr C Milne  
Cr M Shierlaw Cr M Willard

**APOLOGIES:** Apologies were received from Mayor WR Wallace and Cr A Finlayson.

**IN ATTENDANCE:** Mr T Stallinger, Chief Executive  
Ms K Kelly, General Manager, Strategic Services  
Mr B Sherlock, General Manager, City Infrastructure  
Mr M Reid, General Manager, Community Services  
Mr B Cato, Solicitor  
Mr G Craig, Divisional Manager, City Development (part meeting)  
Mr B Monaghan, Divisional Manager, City Promotions  
Mr A Yip, Manager, Strategic Projects (part meeting)  
Mr G Sewell, Principal Policy Advisor (part meeting)  
Mr L Dalton, Regional Manager, Animal Services (part meeting)  
Ms K Stannard, Divisional Manager Secretariat Services  
Mrs A Doornebosch, Committee Advisor

PUBLIC BUSINESS1. APOLOGIESRESOLVED:**Minute No. C 15301(10)**

*"That the apologies received from Mayor WR Wallace and Cr A Finlayson be accepted and leave of absence be granted."*

2. PUBLIC COMMENT

There was no public comment.

3. **MAYORAL STATEMENT**

Acting Mayor Bassett delivered the Mayoral Statement.

4. **CONFLICT OF INTEREST DECLARATIONS**

There were no conflict of interest declarations.

5. **COMMITTEE REPORTS WITH RECOMMENDED ITEMS**

a) **Policy and Regulatory Committee**

6 July 2015

**RESOLVED:**

**Minute No. C 15302(10)**

*“That the report of the meeting held on 6 July 2015 with the exception of item 4a) Dog Control Bylaw and item 4b) Proposed Plan Change 36: Notable Trees and Vegetation Removal be adopted.”*

### Recommended Items

#### Item 4a) Dog Control Bylaw (15/678)

The Principal Policy Advisor elaborated on the report. He highlighted that the Statement of Proposal still needed to be reviewed by Council's legal advisors, relating to analysis of Section 155 of the Local Government Act 2002.

Cr Cousins asked that part (vi) of the recommendation be as follows: "agrees to consult on the Summary of Information, Statement of Proposal (subject to legal compliance), draft Dog Control Policy, draft Dog Control Bylaw, and proposed Schedule of Dog Prohibition and Dog Exercise Areas attached as Appendices 1-5 to the report by means of the special consultative procedure."

#### RESOLVED:

**Minute No. C 15303(10)**

*"That Council:*

- (i) notes that the Dog Control Act 1996 and its subsequent amendments requires the Council to review its Dog Control Policy to ensure that it complies with the matters set out in section 10(4) of the Dog Control Act;*
- (ii) notes that a review of the current policy has been undertaken and it has been found to have worked well, and subject to some minor amendments to the definition of working dogs, there is no need to recommend any changes to it;*
- (iii) agrees that, the draft Dog Control Policy attached as Appendix 2 to the report be approved, subject to any amendments the committee may wish to recommend to Council;*
- (iv) agrees to amend Schedule Three to the draft Dog Control Bylaw, attached as Appendix 3 to the report, as deemed appropriate after consideration of the resolutions made by the Community Boards and Community Committees, to establish the proposed dog exercise areas and dog prohibition areas for recommendation to Council;*
- (v) agrees to consult on the resolutions made by the Community Boards and Community Committees, attached as Appendix 7 to the report, noting the amendment to the Western Community Committee resolution;*
- (vi) agrees to consult on the Summary of Information, Statement of Proposal (subject to legal compliance), draft Dog Control Policy, draft Dog Control Bylaw, and proposed Schedule of Dog Prohibition and Dog Exercise Areas attached as Appendices 1-5 to the report by means of the special consultative procedure;*

- (vii) *agrees to establish at its meeting 28 July 2015 a subcommittee, to hear submissions on the draft Dog Control Policy, draft Dog Control Bylaw and proposed Dog Prohibition and Dog Exercise Areas, and recommend the appropriate policy and bylaw to Council for consideration and approval;*
- (viii) *notes that if the Policy and Regulatory Committee agrees to make the recommendations in (v), the Summary of Information, Statement of Proposal, draft Dog Control Policy, draft Dog Control Bylaw and proposed Dog Prohibition and Dog Exercise Areas, (subject to any changes requested by the Committee), will be reported to Council, together with the Committee's recommendation; and*
- (viii) *notes the amendment to Map 20 to include the Disc Golf area of Hikoikoi Reserve and any further maps that have inaccurate information."*

**Item 4b) Proposed Plan Change 36: Notable Trees and Vegetation Removal (15/869)**

In response to questions from members, Cr Cousins advised there were no submissions received from owners of significant trees as a result of the consultation process. She highlighted that the amended policy would only list trees as notable which were already listed, or had been agreed to be listed by property owners where notable trees existed.

**RESOLVED:**

**Minute No. C 15304(10)**

*"That Council:*

- (i) *notes the proposed plan change to provisions for Notable Trees and vegetation removal (attached as Appendix 1 to the report);*
- (ii) *resolves to promulgate Proposed Plan Change 36 for consultation;*
- (iii) *instructs officers to publicly notify Proposed Plan Change 36 as soon as possible, and before the relevant transitional provisions of the Resource Management Act 1991 lapse on 4 September 2015;*
- (iv) *authorises the Chair, Cr Margaret Cousins, and the Deputy Chair, Cr Lisa Bridson, to approve the final list of proposed Notable Trees included in Proposed Plan Change 36; and*
- (v) *allows officers to make any minor non-policy changes to the details of the proposed plan change should the need arise."*

**b) City Development Committee**

7 July 2015

RESOLVED:

**Minute No. C 15305(10)**

*"That the report of the meeting held on 7 July 2015 with the exception of item 4b) Hutt City Council Economic Development Plan 2015-2020 be adopted."*

**Recommended Item****Item 4b) Hutt City Council Economic Development Plan 2015-2020 (15/979)**

RESOLVED:

**Minute No. C 15306(10)**

*"That Council approves the Economic Development Plan attached as Appendix 1 to the report."*

c) **Traffic Subcommittee**

15 July 2015

**RESOLVED:**

**Minute No. C 15307(10)**

*“That Council:*

- (i) adopts the report of the meeting held on 15 July 2015;*
- (ii) approves six metres of P15 Loading Zone outside no. 148 - 156 Hutt Park Road, Gracefield as attached as Appendix 1 to Report TRS2015/3/195;*
- (iii) approves a Bus Stop outside no.195 Muritai Road, Eastbourne, Option 3, as attached as Appendix 2 to Report TRS2015/3/202;*
- (iv) approves the proposed Pedestrian Refuge Island and Give Way control in Huia Street, Lower Hutt attached as Appendix 1 to Report TRS2015/3/197;*
- (v) approves the Proposed No Stopping At All Times Restrictions in Pilmuir Street outside Hutt Hospital as attached as Appendix 1 to Report TRS2015/3/198;*
- (vi) approves the installation of 16 metres of P30 parking restriction in the service lane next to no. 1 Vogel Street, Naenae as attached as Appendix 1 to Report TRS2015/3/199;*
- (vii) approves the Proposed No Stopping At All Times Restrictions outside No. 49 Mudie Street, Alicetown attached as Appendix 1 to Report TRS2015/3/200; and*
- (viii) approves the Proposed No Stopping At All Times Restrictions outside no. 5 Drummond Crescent, Kelson as attached as Appendix 1 to Report TRS2015/3/201.”*

## Recommended Items

### 6. MISCELLANEOUS

#### Town Hall and Events Centre (15/1109)

Report No. HCC2015/3/206 (3) by the General Manager, City Infrastructure

Cr Milne, as a member of the Property Steering Group, highlighted that members had been previously briefed on the issue. He highlighted the unexpected extra piling costs of \$1.4M identified by the engineers due to poor ground conditions under the buildings. He further noted this could not have been anticipated until the building was demolished.

The General Manager, City Infrastructure elaborated on the report. He highlighted that the external Design Team had been advised that Council would not accept any further cost increases for design enhancements.

In response to questions from members, the General Manager, City Infrastructure advised the extra costs for piles was based on a worst case scenario requirement and the current design had provision for a potential cost saving of 15% on the \$1.4M project cost increase. He further advised he could not guarantee future costs on such a large project. He noted the Design Team would continue to report back to the Property Steering Group, the City Development Committee and Council.

In response to further questions from members, the General Manager City Infrastructure noted there was a risk management plan in place for this project, and that underground conditions had been identified as a risk. He further noted that insurance did not cover such unexpected occurrences.

In response to a question from a member, the Chief Executive advised that a contingency of \$1.5M still remained in place.

#### RESOLVED:

**Minute No. C 15308(10)**

*"That Council:*

- (i) *approves a project cost increase for the Town Hall/Events Centre project of up to \$2.9M; and*
- (ii) *notes that the project budget retains a contingency allowance of \$1.6M and that the increased piling costs of \$1.4M are described as conservative, and therefore;*
  - (a) *directs the Civic Precinct Steering Group and the Design Team to continue to look for savings to offset the increase and to report back to Council via the City Development Committee as and when these savings are achieved; and*
  - (b) *Directs officers to prepare as part of the 2016/17 Annual Plan process options such that the net cost increase in this project can be accommodated within the existing Council Financial Strategy."*

**7. MINUTES****a) RESOLVED:****Minute No. C 15309(10)**

*"That the minutes of the meeting of the Hutt City Council held on 22 April 2015 be confirmed as a true and correct record."*

**RESOLVED:****Minute No. C 15310(10)**

*"That the minutes of the meeting of the Hutt City Council held on 12 May 2015 be confirmed as a true and correct record."*

**RESOLVED:****Minute No. C 15311(10)**

*"That the minutes of the meeting of the Hutt City Council held on 4 June 2015 be confirmed as a true and correct record."*

**RESOLVED:****Minute No. C 15312 (10)**

*"That the minutes of the meeting of the Hutt City Council held on 25 June 2015, be confirmed as a true and correct record."*

**RESOLVED:****Minute No. C 15313(10)**

*"That the minutes of the meeting of the Hutt City Council held on 30 June 2015, be confirmed as a true and correct record."*

**b) Report of Independent Commissioner Mr R Schofield - 3 Cornwall Street, Lower Hutt**

5 May 2015

Cr Cousins noted this decision had been appealed to the Environmental Court.

**RESOLVED:****Minute No. C 15314(10)**

*"That the report of the meeting held on 5 May 2015 be adopted."*



8. **COMMITTEE REPORTS WITHOUT RECOMMENDED ITEMS**

a) **Hearings Subcommittee – 131 Muritai Road, Eastbourne**

21 May 2015

In response to a question from a member, the Solicitor advised that he would investigate if this decision had been appealed and report back.

**RESOLVED:** **Minute No. C 15315 (10)**

*“That the report of the meeting held on 21 May 2015 be adopted.”*

b) **Hutt Valley Services Committee**

8 May 2015

**RESOLVED:** **Minute No. C 15316 (10)**

*“That the report of the meeting held on 8 May 2015 be adopted.”*

c) **Community Plan Committee**

19 May 2015 and 4 June 2015

**RESOLVED:** **Minute No. C 15317(10)**

*“That the reports of the meetings held on 19 May 2015 and 4 June 2015 be adopted.”*

d) **Traffic Subcommittee**

16 June 2015

**RESOLVED:** **Minute No. C 15318 (10)**

*“That the report of the meeting held on 16 June 2015 be adopted.”*

e) **Finance and Audit Committee**

8 July 2015

In response to a question from a member, the Chair asked officers to check whether additional information noted in the Risk Report should be included in the report of the meeting as part of the official record.

**RESOLVED:** **Minute No. C 15319 (10)**

*“That the report of the meeting held on 8 July 2015 be adopted.”*

f) **Civic Honours Committee**

14 July 2015

**RESOLVED:**

**Minute No. C 15320(10)**

*"That the report of the meeting held on 14 July 2015 be adopted."*

9. **QUESTIONS**

There were no questions.

10. **SEALING AUTHORITY** (15/763)

Report No. HCC2015/3/15 (3) by the Committee Administrator

**RESOLVED:**

**Minute No. C 15321 (10)**

*"That the Council:*

- (i) *approves the affixing of the Common Seal to all relevant documents in connection with the items set out in Schedule 1 contained in the report; and*
- (ii) *approves the deeds executed under Power of Attorney set out in Schedule 2 contained in the report.*

*SCHEDULE 1 - General Sealing Authority*

*ISDA Agreement with Kiwibank*

*This was an agreement which allows Council to use Kiwibank to arrange interest rate swaps. It was reviewed and approved by Finance and by Buddle Findlay Lawyers. We have similar existing arrangements with other banks.*

- a) *International Swaps and Derivative Association Inc (ISDA) 2002 Master Agreement and Schedule Between Kiwibank Limited and Hutt City Council  
FIN40-10-20  
(Record Number L15/117)*

*Agreement for Sale and Purchase*

*Council is acquiring this reserve land from the Crown. Kelly Crandle of Parks and Gardens is the officer dealing with this acquisition.*

- b) *The Hutt City Council and The Crown  
Purchase of land adjacent to Dowse Interchange  
24 N & 20 N Magnolia Grove, Maungaraki  
GEN1991100  
(Record Number L15/91)*

*This was the sale, previously agreed by Council, for the sale of a small piece of landlocked reserve land.*

- c) *The Hutt City and John Dean Gray and Miria O'Regan  
Council Reserve, 204A Coast Road, Wainuiomata  
PKR78-60-123  
(Record Number L15/113)*

*Authority and Instruction*

*This was the sale, previously agreed by Council, for the sale of land no longer required for reserve purposes (as part of the land review project).*

- d) *The Hutt City Council and John Walsh Limited  
147 Holborn Drive, Stokes Valley*

*Authority and Instruction*  
 GEN9007378  
 (Record Number L15/112)

*A boundary adjustment and sale of land to rectify an encroachment into Council reserve.  
 Previously reported on and agreed by Council.*

- e) *The Hutt City Council and Rudolf Steiner School  
 Boundary Adjustment of Tirohanga Reserve  
 PKR65-45-102  
 (Record Number L15/143)*

*See c) above.*

- f) *The Hutt City Council and John Dean Gray and Miria O'Regan  
 For Sale of Council Reserve  
 204A Coast Road, Wainuiomata  
 (PKR78-60-123)  
 (Record Number L15/140)*

*This was the sale, previously agreed by Council, for the sale of land no longer required for reserve purposes (as part of the land review project).*

- g) *The Hutt City Council and Waiwhetu Papakainga Housing Limited  
 For Sale of 33 Atiawa Crescent, Waiwhetu, Lower Hutt  
 PKR90-55-6  
 (Record Number L15/138)*

*Land swap previously considered and agreed by Council.*

- h) *The Hutt City Council and Stokes Valley Monastery  
 For Land Swap  
 Land rear of 17 Rakau Grove, Stokes Valley behind Stokes Valley Monastery  
 PKR20-4-1  
 (Record Number L15/139)*

*Easement*

*Easements granted to Council as part of the subdivision process.*

- i) *The Hutt City Council and Castlerea Rentals Limited  
 Registered Proprietor  
 Subdivision 39 Castlerea Street, Wainuiomata  
 GEN6588800  
 (Record Number L15/88)*

*Easements granted to Council as part of the subdivision process.*

- j) *The Hutt City Council and Jaws Consult Limited  
 6 Ngaumatau Road, Point Howard  
 Request for execution of Easement in gross RM140322  
 GEN7206300*

*(Record Number L15/100)*

*Easements granted to Council relating to the development of the former Council owned school playing field.*

- k) *The Hutt City Council and DMAC Developments Limited  
Subdivision at 54 Oakleigh Street, Maungaraki  
GEN2017201  
(Record Number L15/48)*

*Request for Drafting of Notice – Land Swap under s15 Reserves Act*

*As above at h).*

- l) *The Hutt City Council and Stokes Valley Monastery  
17 Rakau Grove, Stokes Valley  
PKR20-4-1  
(Record Number L15/118)*

*Withdrawal of Caveat 843699*

*The withdrawal of a historical caveat on a title; no longer relevant.*

- m) *The Hutt City Council and Estate Margot Banwell  
15 & 17 Railway Avenue, Alicetown  
GEN98500  
(Record Number L15/63)*

*Warrants Approved*

<p><i>Emily Dawn Connell – HCC WARRANT-15-10</i></p>	<p><i>1. Local Government Act 2022 Authorised person pursuant to ss171, 173 (powers of entry in general) Enforcement Officer pursuant to s177 (including additional powers of entry) 5. Food Act 1981 Local Authority Inspector (being an EHO) pursuant to s13 8. Hazardous Substances and New Organisms Act 1996 Enforcement Officer pursuant to s100 9. Health Act 1956 Environmental Health Officer pursuant to s28 10. Hutt Valley Trade Wastes Bylaw 2006 Authorised Officer pursuant to 1.5 and 6.4 (including powers under Hutt Valley Drainage Act 1967) 12. Litter Act 1979 Litter Control Officer pursuant to s5 14. Resource Management Act 1991 Enforcement Officer (pursuant to s38(1)) 15. Sale and Supply of Alcohol Act 2012 Inspector pursuant to s197</i></p>
<p><i>Leanne Michelle Tapara – HCC WARRANT-15-12</i></p>	<p><i>1. Local Government Act 2022 Authorised person pursuant to ss171, 173 (powers of entry in general)</i></p>

	<p>3. Dog Control Act 1996 Dog Control Officer pursuant to s11</p>
<p>David Ian Jack – HCC WARRANT-15-13</p>	<p>1. Local Government Act 2022 Authorised person pursuant to ss171, 173 (powers of entry in general) Enforcement Officer pursuant to s177 (including additional powers of entry)</p> <p>5. Food Act 1981 Local Authority Inspector (being an EHO pursuant to s13)</p> <p>8. Hazardous Substances and New Organisms Act 1996 Enforcement Officer pursuant to s100</p> <p>9. Health Act 1956 Environmental Health Officer pursuant to s28</p> <p>10. Hutt Valley Trade Wastes Bylaw 2006 Authorised Officer pursuant to 1.5 and 6.4 (including powers under Hutt Valley Drainage Act 1967)</p> <p>12. Litter Act 1979 Litter Control Officer pursuant to s5</p> <p>14. Resource Management Act 1991 Enforcement Officer (pursuant to s38(1))</p> <p>15. Sale and Supply of Alcohol Act 2012 Inspector pursuant to s197</p>
<p>Josh Cooke – RECON WARRANT-15-14</p>	<p>1. Local Government Act 2022 Authorised person pursuant to ss171, 173 (powers of entry in general)</p> <p>11. Land Transport Act 1998 Parking Warden pursuant to s128D</p> <p>14. Resource Management Act 1991 Enforcement Officer (Noise Control only) pursuant to s38(2)</p>
<p>Amber Chai Pacheco – HCC WARRANT-15-11</p>	<p>1. Local Government Act 2022 Authorised person pursuant to ss171, 173 (powers of entry in general) Enforcement Officer pursuant to s177 (including additional powers of entry)</p> <p>5. Food Act 1981 Local Authority Inspector (being an EHO) pursuant to s13</p> <p>8. Hazardous Substances and New Organisms Act 1996 Enforcement Officer pursuant to s100</p> <p>9. Health Act 1956 Environmental Health Officer pursuant to s28</p> <p>10. Hutt Valley Trade Wastes Bylaw 2006 Authorised Officer pursuant to 1.5 and 6.4 (including powers under Hutt Valley Drainage Act 1967)</p> <p>12. Litter Act 1979 Litter Control Officer pursuant to s5</p> <p>14. Resource Management Act 1991 Enforcement Officer (pursuant to s38(1))</p> <p>15. Sale and Supply of Alcohol Act 2012 Inspector pursuant to s197</p>

## SCHEDULE 2

*Deed of Lease**Issue of new lease.*

- a) *The Hutt City Council and Hutt City Musical Theatre Incorporated  
Reserve Land – Epuni Hall, 38 Mitchell Street, Epuni  
LSE468900A  
(Record Number L15/104)*

*Issue of new lease.*

- b) *The Hutt City Council (Landlord) and Baptist Union of New Zealand (Tenant)  
Reserve Land – Bryan Heath Park  
DIV/15/2363  
(Record Number L15/92)''*

**11. EXCLUSION OF THE PUBLIC****RESOLVED:****Minute No. C 15322 (10)***''That the public be excluded from the following parts of the proceedings of this meeting, namely:*

12. *Committee Report with Recommended Item*

*Civic Honours Committee - 14 July 2015*

13. *Minutes of Council - 22 April 2015 (15/967) and 12 May 2015 (15/968)*

*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:*

(A)	(B)	(C)
<i>General subject of the matter to be considered.</i>	<i>Reason for passing this resolution in relation to each matter.</i>	<i>Ground under section 48(1) for the passing of this resolution.</i>
<i>Report of the Civic Honours Committee held on 14 July 2015 – 2015 Civic Honours Awards</i>	<i>The withholding of the information is necessary to protect the privacy of natural persons.(s7(2)(a)).</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for</i>

*withholding exist.*

*Minutes of Council 22  
April 2015 – CBD  
Making Places Project*

*The withholding of the  
information is  
necessary to protect the  
privacy of natural  
persons. (s7(2)(a)).*

*That the public conduct  
of the relevant part of  
the proceedings of the  
meeting would be likely  
to result in the  
disclosure of  
information for which  
good reason for  
withholding exist.*

*Minutes of Council  
12 May 2015 –  
Provisional Local  
Alcohol Policy*

*The withholding of the  
information is  
necessary to enable the  
local authority to carry  
out, without prejudice  
or disadvantage,  
commercial activities  
(s7(2)(h)).*

*That the public conduct  
of the relevant part of  
the proceedings of the  
meeting would be likely  
to result in the  
disclosure of  
information for which  
good reason for  
withholding exist.*

*The withholding of the  
information is  
necessary to enable the  
local authority to carry  
on, without prejudice  
or disadvantage,  
negotiations (including  
commercial and  
industrial negotiations)  
(s7(2)(i)).*

*This resolution is made in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or 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 specified in Column (B) above."*

There being no further business the Chair declared the meeting closed at 6.40 pm. The non-public portion of the meeting finished at 6.45 pm.

D Bassett  
**ACTING MAYOR**

**CONFIRMED as a true and correct record  
Dated this 20th day of October 2015**