

HUTT CITY COUNCIL

Meeting to be held in the Wainuiomata Chambers,
Wainuiomata Library, Queen Street, Wainuiomata commencing on either
Tuesday 16 February 2016 or Wednesday 17 February 2016 at the conclusion of the
Community Plan Committee meeting.

ORDER PAPER

PUBLIC BUSINESS

1. APOLOGIES

2. PUBLIC COMMENT

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

3. CONFLICT OF INTEREST DECLARATIONS

4. PROPOSED ANNUAL PLAN 2016-2017 (16/119)

MAYOR'S RECOMMENDATION:

"That Council:

- (i) adopts the underlying information for the proposed Annual Plan 2016-2017; and
- (ii) notes that the Subcommittee appointed by Council on 15 December 2015, comprising of Mayor Wallace, Chair of the City Development Committee, Deputy Mayor Bassett, Chair of the Policy and Regulatory Committee, Cr Cousins and the Chair of the Finance and Audit Committee, Cr Shierlaw, to provide guidance on the Annual Plan process will be asked to provide ongoing guidance on the Consultation Document including approving this for typesetting."

5. MISCELLANEOUS

Proposed Plan Change 34 - Network Utilities and Renewable Energy
Generation Decision (15/1674)

Report No. HCC2016/1/5 by the Senior Environmental Policy
Analyst

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MAYOR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

6. QUESTIONS

With reference to section 43 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

7. EXCLUSION OF THE PUBLIC

MAYOR'S RECOMMENDATION:

“That the public be excluded from the following parts of the proceedings of this meeting, namely:

8. TOWN HALL AND EVENTS CENTRE (16/143)

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)
General subject of the matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground under section 48(1) for the passing of this resolution.
Town Hall and Events Centre.	The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities (s7(2)(h)). 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)).	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.

3.

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."

Kathryn Stannard

DIVISIONAL MANAGER SECRETARIAT SERVICES

09 November 2015

File: (15/1674)

Report no: HCC2016/1/5

Proposed Plan Change 34 - Network Utilities and Renewable Energy Generation Decision

Purpose of Report

1. The purpose of the report is to seek Council's adoption of "Proposed Plan Change 34 - Network Utilities and Renewable Energy Generation" and the decisions on submissions as outlined in the report of the hearing panel from 17 December 2015 (attached as Appendix 1 to this report).

Recommendations

It is recommended that the Council:

- (i) notes the process undertaken under the Resource Management Act 1991 for Proposed Plan Change 34; and
- (ii) notes that Proposed Plan Change 34 was prepared, notified and heard in a joint process with Upper Hutt City Council (Proposed Plan Change 38 to the Upper Hutt District Plan); and
- (iii) notes that a total of 11 original submissions and two further submissions were received to Proposed Plan Change 34; and
- (iv) accepts the proposed amendments to the publicly notified text of Proposed Plan Change 34 as recommended by the hearing panel and outlined in Appendix 1 to this report; and
- (v) adopts the further evaluation of Proposed Plan Change 34 contained within Appendix 1 to this report and its conclusion that the plan change is an appropriate way of achieving the purpose of the RMA;
- (vi) adopts Proposed Plan Change 34 as recommended in Appendix 1 to this report (pursuant to clause 10 of the First Schedule of the Act); and
- (vii) rejects and accepts in full or in part the decisions requested by submissions for the reasons outlined in Appendix 1 to this report.

Background

2. Proposed Plan Change 34 reviews the existing utilities provisions of the District Plan and brings them in line with the latest legislation including relevant National Policy Statements, National Environmental Standards and the Regional Policy Statement for the Wellington Region. The plan change was prepared and processed in conjunction with Upper Hutt (Plan Change 38).
3. The overall policy aims of the proposed plan change are to:
 - i. review and update existing network utility provisions to ensure that they:
 - reflect best practice;
 - provide greater consistency between district plans across the region and
 - best serve and reflect public and stakeholder expectations and requirements;
 - ii. avoid unnecessary duplication between District Plan provisions and other legislation or regulations;
 - iii. give effect to the National Policy Statement on Electricity Transmission (NPSET) (Hutt City only);
 - iv. give effect to the National Policy Statement on Renewable Electricity Generation (NPSREG);
 - v. give effect to the Regional Policy Statement for the Wellington Region (RPS); and
 - vi. amend the District Plan as required so as not to duplicate or conflict with the National Environmental Standard on Electricity Transmission Activities (NESETA) and the National Environmental Standard on Telecommunication Facilities (NESTF).
4. The plan change has been prepared following significant consultation with, and input from, network utility operators and the Hutt Valley community. This included the release of a draft plan change for feedback and community and stakeholder meetings.

Submissions

5. Proposed Plan Change 34 was publicly notified on 2 December 2014 with submissions closing on 30 January 2015. The summary of submissions was notified on 7 April 2015 for further submissions, which closed on 21 April 2015.
6. In total 11 submissions and two further submissions were received.

Hearing

7. A joint hearing for Proposed Plan Change 34 (Hutt City) and Proposed Plan Change 38 (Upper Hutt) was held on 20 August 2015. The hearing panel consisted of independent commissioner Mr Mark St.Clair (Chair), Councillor Lisa Bridson (Hutt City Council) and Councillor Glen McArthur (Upper Hutt City Council).
8. During the course of the hearing the panel heard from representatives and experts for Hutt City Council and Upper Hutt City Council, Greater Wellington Regional Council, Chorus, Spark and Transpower as well as individual submitters Julie Sylvester and Warren Thessman. Representatives of Forest & Bird were not able to attend but provided a written statement.

Discussion

9. Under section 34A(1) of the Resource Management Act 1991 Mr Mark St.Clair (Independent Commissioner), Ms Lisa Bridson (Councillor for Hutt City Council) and Mr Glenn McArthur (Councillor for Upper Hutt City Council) were appointed with the delegated authority to hear submissions in relation to Proposed Plan Change 34 (HCC) and Proposed Plan Change 38 (UHCC) at a joint hearing and to make recommendations to the Councils on the proposed plan changes and matters raised in submissions.
10. Pursuant to that authority, the hearing panel conducted a combined hearing at the Dowse Art Museum on 20 August 2015. A recommended decision was received on 17 December 2015.

Recommendations to Council on Proposed Plan Change 34 and on submissions

11. The report of the hearing panel is attached as Appendix 1 to this report. The hearing panel recommends changes to the text of the proposed plan change to address issues raised in submissions. The recommended changes to the text of Proposed Plan Change 34 are outlined in detail in Appendix Two to the report of the hearing panel.
12. The panel comes to the following conclusion:
 - *"We recommend to the Councils that, pursuant to the First Schedule to the Resource Management Act 1991, Proposed Plan Change 34 to the Hutt City Council District Plan and Proposed Plan Change 38 to the Upper Hutt City Council District Plan be approved for all of the reasons set out in this report.*
 - *In terms of Part 2 of the RMA the proposal does not contravene any of the matters of national importance (Section 6), 'other matters' (Section 7), nor the principles of the Treaty of Waitangi (Section 8)*
 - *The Plan Changes are an appropriate way of achieving the purpose of the RMA.*
 - *For all of the reasons given above the Plan Changes meet the statutory requirements of the RMA, the Plan Changes satisfy Part 2 of the Act and therefore will promote the sustainable management of natural and physical resources as required by the RMA.*

- *We recommend that the submissions on Plan Change 34 and Plan Change 38 be accepted, accepted in part or rejected, as outlined below."*

Options

13. The decision before Council is to either adopt or reject the hearing panel's recommendation to approve Proposed Plan Change 34 as outlined in their report and to make the recommended decisions on each of the submissions as summarised in Appendix One to their report.
14. If Council decides to adopt the recommendation, the availability of the decision will be publicly notified in the Hutt News. At the same time a copy of the public notice and information about how to lodge an appeal will be served on all submitters, in accordance with clause 11 of the First Schedule of the RMA.
15. Any person who has made a submission on Proposed Plan Change 34 has the right to appeal to the Environment Court in respect of:
 - (i) A provision/matter included or excluded in the proposed plan change, or
 - (ii) A provision which the decisions of Council proposed to include or exclude in the plan change.

The submitters' right to appeal is limited to the provision or matter in the person's submission on the proposed plan change.
16. If Council decides to reject the recommendation of the hearing panel the process would at least go back to the hearing stage. All submitters would have to be re-heard either in front of the same hearing panel or by newly appointed hearings commissioners. This would cause additional costs and time delays. Council does not have the option of making changes to the hearing panel's recommendation as they have not heard the evidence presented at the hearing and to change the recommendation would not demonstrate fairness or natural justice to the submitters.

Consultation

17. Full public notification and involvement has occurred during the processing of the plan change as required by the Resource Management Act 1991.

Legal Considerations

18. To date all legal considerations under the Resource Management Act 1991 have been taken into account and all processes carried out within the requirements of the Act.

Financial Considerations

19. There are no financial considerations at this stage.

Other Considerations

20. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of

local government in that it follows the process for plan changes as set out in the Resource Management Act and promotes the sustainable management of natural and physical resources as required by the RMA. It does this in a way that is cost-effective.

Appendices

No.	Title	Page
1	Final PC 34 HCC and PC 38 UHCC Commissioners Recommendations incl Appendices (<i>Under Separate Cover</i>)	

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