

HUTT CITY COUNCILPOLICY AND REGULATORY COMMITTEE

Report of a meeting held in the Hutt City Council Chambers, Level 2,
30 Laings Road, Lower Hutt on
Monday 2 May 2016 commencing at 5.30pm

PRESENT:

Cr MJ Cousins (Chair)	Cr L Bridson
Deputy Mayor D Bassett	Cr C Barry (from 5.32pm until 8.45pm)
Cr B Branch	Cr A Finlayson
Cr T Lewis	Cr M Lulich
Cr C Milne	Cr M Willard (until 8.15pm)
Mayor WR Wallace	

APOLOGIES: There were no apologies.

IN ATTENDANCE:

Mr T Stallinger, Chief Executive
 Ms K Kelly, General Manager, Strategic Services
 Mr M Reid, General Manager, Community Services (part meeting)
 Mr B Hodgins, Divisional Manager, Parks and Gardens (part meeting)
 Ms W Moore, Divisional Manager, Strategy and Planning (part meeting)
 Mr A Cumming, Divisional Manager, Environmental Policy
 Mr H Oram, Divisional Manager, Environmental Consents (part meeting)
 Mr G Stuart, Divisional Manager, Regulatory Services (part meeting)
 Mr M Sherwood, Divisional Manager, Leisure Active (part meeting)
 Mr B Cato, Solicitor (part meeting)
 Mr S Keatley, Community Facilities Manager (part meeting)
 Ms M Laban, Community Projects and Relationship Manager (part meeting)
 Ms H Goodin, Manager, Healthy Families Lower Hutt (part meeting)
 Mr G Sewell, Principal Policy Advisor (part meeting)
 Mr J Pritchard, Senior Research/Policy Advisor (part meeting)
 Ms A Wallace, Senior Communications and Marketing Advisor (part meeting)
 Ms K Stannard, Divisional Manager, Secretariat Services (part meeting)
 Ms K Glanville, Senior Committee Advisor

PUBLIC BUSINESS

1. **APOLOGIES**

RESOLVED:

Minute No. PandR 16201

"That the apologies received from Cr Barry for lateness and Cr Willard for early departure be accepted."

2. **PUBLIC COMMENT**

Comments are recorded under the item to which they relate.

3. **CONFLICT OF INTEREST DECLARATIONS**

Deputy Mayor Bassett declared a conflict of interest in relation to item 4d, Proposal to Revoke Reserve Status of Council Land in Holborn and took no part in discussion or voting on this matter.

Cr Finlayson declared a conflict of interest in relation to item 4d, Proposal to Revoke Reserve Status of Council Land in Holborn and item 9a, District Plan Update and took no part in discussion or voting on these matters.

4. RECOMMENDATIONS TO COUNCIL - 24 May 2016

a) **Local Alcohol Policy (16/258)**

Speaking under public comment, **Mr Trevor Mallard MP** asked Council to adopt a policy regarding the timeliness of official information requests. In regard to the Proposed Local Alcohol Policy, he requested that Council cap the number of off-licence premises in Wainuiomata. He said that a sinking lid policy could also be effective. He asked members to consider deferring the approval of the Local Alcohol Policy to address these issues.

In response to questions from members, Mr Mallard advised he was involved in the legislation that created the Local Alcohol Policies. He said it was clearly aimed at giving local authorities the power to manage and control premises. He considered that Council should use those powers to reflect what the community wanted.

Speaking under public comment, **Mr Chiyah Oti-Lahood** asked members to consider limiting the number of alcohol premises in the City. He said he would like Wainuiomata to be classified as a high risk area. He presented a petition asking for a reduction in the number of alcohol premises in Wainuiomata.

In response to a question from a member, Mr Oti-Lahood advised that it was easy for youth in Wainuiomata to obtain alcohol.

The Principal Policy Advisor elaborated on the report.

In response to questions from members, the Principal Policy Advisor confirmed that extensive consultation with the community had been undertaken. He agreed that the Sale and Supply of Alcohol Act 2012 (the Act) provided the District Licensing Committee with powers to take into account concerns of the community. He noted that a Alcohol in Public Places Bylaw would be reported to Council for its consideration.

In response to questions from members, the Solicitor advised that a change to introduce a cap or sinking lid policy would constitute an amendment to the Local Alcohol Policy (LAP) and therefore mean the process would need to start again. He said that while the policy was required to be reviewed within six years, the LAP provided for a review after 18 months.

The Chair noted that members would need to consider a review date for the policy. She said that a cap on alcohol premises in Wainuiomata may deter a second supermarket from opening in the area. She informed members that when considering a licence application, Council's Environmental Health Inspectors identified sensitive locations to a proposed premise and reported this to the District Licensing Committee. She said the Medical Officer of Health identified socio-economic issues in an area and the Police identified any other issues.

Cr Bridson considered a policy was required to see how it worked and see how s106 of the Act worked. She said the review should occur within 18 months.

Mayor Wallace agreed that s106 of the Act provided him some comfort and supported the recommendations with a review within 18 months.

The Chair agreed with Cr Bridson that a policy should be adopted and then monitored for a period of time to determine how it was working. In relation to the Wainuiomata issue, she asked that the community let the District Licensing Committee process happen. She noted that decisions of the District Licensing Committee were appealable to the Alcohol Regulatory Licensing Authority.

Cr Barry considered that the LAP had not reflected community thinking.

RECOMMENDED:	Minute No. PandR 16202
<p><i>“That the Committee recommends that Council:</i></p> <ul style="list-style-type: none"> <li data-bbox="387 873 1434 985"><i>(i) notes the Alcohol Regulatory and Licensing Authority has advised that they have not received any objections to the proposed changes to the Hutt City Council Provisional Local Alcohol Policy;</i> <li data-bbox="387 996 1434 1108"><i>(ii) adopts the Hutt City Council Local Alcohol Policy, attached as Appendix 1 to the report, pursuant to Section 90 of the Sale and Supply of Alcohol Act 2012, effective 1 July 2016; and</i> <li data-bbox="387 1120 1434 1171"><i>(iii) reviews the Local Alcohol Policy by 1 December 2017.”</i> 	

Cr Branch abstained from voting on this matter.

The meeting adjourned at 8.15pm and resumed at 8.25pm.

Cr Willard left the meeting at 8.15pm.

b) **Proposed Public Places Bylaw 2016 (16/434)**

The Principal Policy Advisor elaborated on the report.

In response to questions from members, the Principal Policy Advisor advised that the bylaw was generally a carryover from the last bylaw with a few minor changes.

In response to questions from members, the Solicitor advised that there was a new Act regarding freedom camping and that Council could consider a bylaw under that Act.

The Chair noted that reference to the Electoral Act 1956 should read the Electoral Act 1993.

RECOMMENDED:

Minute No. PandR 16203

“That the Committee recommends that Council:

- (i) notes that the Local Government Act 2002 requires the Council to review its bylaws to ensure that they comply with the matters set out in sections 155 and 159 of the Act;*
- (ii) notes that the Public Places Bylaw 2006 has been reviewed in accordance with section 155 of the Local Government Act 2002;*
- (iii) notes the outcome of the section 155 review of the Public Places Bylaw is to propose some amendments to the bylaw, as more particularly detailed in the statement of proposal (attached as Appendix 1 to the report); and*
- (iv) agrees to consult on the summary of information, statement of proposal, proposed bylaw (attached as Appendices 1-2 to the report) in accordance with the requirements of the Local Government Act 2002 by means of a special consultative procedure.”*

c) **Smokefree outdoor public places policy (16/424)**

Speaking under public comment, **Mr Matt Reid, General Manager, Community Services and Healthy Families board member**, spoke in support of the Smokefree Outdoor Public Places Policy. He introduced the members of the Healthy Families Governance Group. He advised that the Governance Group supported the recommendations in the officer's report. He added this would provide leadership and educational opportunities for Council.

In response to a question from a member, Mr Reid advised that Healthy Families would support a bylaw that would allow for the enforcement of fines.

Speaking under public comment, **Mr John Anderson, Healthy Families board member** said that as the owner of Stokes Valley New World it made little sense for him to support banning smoking. He noted that smoking did not help anyone and was prepared to stop selling cigarettes if it would change the habit of the community.

Speaking under public comment, **Ms Iris Pahau, Healthy Families board member** noted that Maori smoking rates were high in areas such as Pomare, Naenae and Wainuiomata. She advised that all marae in the City were smokefree. She asked members to lobby central government for the power to enforce smoking bans.

The Senior Research/Policy Advisor, Strategy and Planning elaborated on the report.

The Chair asked members to consider an additional recommendation to explore designating areas in town centres as smokefree areas. She noted that the policy was not proposed to go out for public consultation.

In response to questions from members, the Senior Research/Policy Advisor advised that Council did not have a legislative right to enforce fines. He said that the work had been separated into two phases as some work would take longer and needed more time to complete. He added that an action plan included getting the message out to the community and that Healthy Families would be working with the community and sports clubs.

The Chair considered there may be a clash between the practicality and theory of the policy. She noted that Club premises on sports grounds were generally situated in residential areas and the policy could unintentionally create a clash between the Club members and local residents by forcing smokers to leave the sports ground to smoke and inhabit the residential area. She asked that officers look at the policy to allow for a designated area for smokers in these instances.

In response to questions from members, the Divisional Manager, Strategy and Planning advised the survey included a sample recruited to be representative of the city's population as well as people who had previously been asked to be consulted about work that Council does.

In response to further questions from members, the Senior Research/Policy Advisor advised officers would work with the community and partner agencies to ensure that the smokefree message was delivered to different ethnicities in an appropriate way.

Cr Branch asked that the work programme be undertaken at the same time and phase 1 and 2 be deleted.

Members were in support of there being no phases in the work programme.

In response to a question from a member, the Senior Research/Policy Advisor advised that one phase was not an issue and probably made a stronger message.

Cr Milne supported the recommendations but considered that smoking was being treated as a 'naughty' activity.

Cr Willard supported the recommendations and did not consider that the policy needed to go out for consultation.

Cr Lulich supported the recommendations. He said this would provide the younger generation with a clear message.

Cr Barry asked that the policy go out for further public consultation.

MOVED: (Cr Barry/Cr Milne)

"That Council agrees to consult on the Smokefree Outdoor Public Places policy."

The motion was declared LOST by division with the voting as follows:

For

Cr Barry
Cr Lewis
Cr Milne

Total: 3

Against

Mayor Wallace
Deputy Mayor Bassett
Cr Branch
Cr Finlayson
Cr Willard

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Deputy Mayor Bassett advised that adopting the policy would show leadership that would help the community now and in the future.

Mayor Wallace spoke in support of the recommendations. He said this was a visionary initiative and would help the community.

RECOMMENDED:**Minute No. PandR 16204**

"That the Committee recommends that Council:

(i) agrees to increase the number of smokefree areas as follows:

In addition to playgrounds and swimming pool complexes, from 2016 the following areas would become smokefree:

- a) Parks and sports grounds, including skate parks – the focus for signage would be on the most popularly used parks and parks in areas where smoking rates are high;*
- b) Bus shelters – officers will work with GWRC on signage and promotion for smokefree bus shelters in the city;*
- c) Train stations;*
- d) Beaches;*
- e) Outdoor public areas around Council buildings and facilities;*
- f) Smokefree Council run and funded events;*
- g) Outdoor pavement dining; and*
- h) Explore designating areas in town centres as smokefree areas.*

(ii) agrees that, led by Healthy Families Lower Hutt, Council will develop an action plan to deliver the proposed Smokefree Outdoor Public Places policy;

(iii) notes that Healthy Families Lower Hutt will work with City Promotions and partners across the city to promote a Smokefree Lower Hutt;

(iv) agrees to work with Local Government New Zealand to lobby central government for changes to legislation that better enables Councils to enforce smokefree areas; and

(v) recommends that the Community Plan Committee make provision for a budget of \$14,000 per year for the three years from 1 July 2016 to 30 June 2019 to provide for bilingual signage/stickers."

d) **Proposal to Revoke Reserve Status of Council Land in Holborn**
(16/440)

Deputy Mayor Bassett and Cr Finlayson declared a conflict of interest in relation to this item and took no part in discussion or voting on this matter.

The Divisional Manager, Parks and Gardens elaborated on the report.

In response to a question from a member, the Divisional Manager, Parks and Gardens confirmed that sufficient information had been obtained for Council to consult on the matter.

In response to questions from members, the Divisional Manager, Environmental Policy advised that a more targeted ecological assessment would be undertaken as part of the plan change process. He confirmed that Council's Environmental Policy division was now leading and running the process for the plan change.

RECOMMENDED:

Minute No. PandR 16205

"That the Committee recommends that Council:

- (i) notes the proposal to revoke the reserve status of approximately 6.2 hectares of recreation reserve being Lot 2 DP 346171 (CFR 244450) situated at the top end of Shaftesbury Grove, Holborn, attached as Appendix 2 to the report, with the intent that this land be amalgamated with the adjacent residential zoned land for development; and*
- (ii) agrees to publicly notify the proposal in accordance with the requirements of the Reserves Act 1977."*

e) **Proposed Road Stopping and Sale of legal road fronting 17 Pitoitoi Road, Days Bay (16/443)**

The Divisional Manager, Parks and Gardens elaborated on the report.

<u>RECOMMENDED:</u>	Minute No. PandR 16206
<i>"That the Committee recommends that Council:</i>	
<i>(i) receives the report;</i>	
<i>(ii) notes that the owners of 17 Pitoitoi Road, Days Bay are interested in purchasing the legal road fronting their property from Council;</i>	
<i>(iii) notes that Council's Road and Traffic Division see no need to retain the area of legal road shown on the aerial photograph attached as Appendix 1 to the report (approximately 147m²) fronting 17 Pitoitoi Road, Days Bay for roading purposes now or in the future;</i>	
<i>(iv) notes that Council would need to follow the road stopping procedures within the Public Works Act 1981 or Local Government Act 1974 in order to be able to sell the land to the adjoining owners;</i>	
<i>(v) notes that officers intend to undertake the road stopping process in accordance with Section 116 of the Public Works Act 1981. However, if this is not approved by the Minister of Lands officers will follow the road stopping process set out in Section 342 and the Tenth Schedule of the Local Government Act 1974;</i>	
<i>(vi) notes that due to the size, shape and situation of this portion of legal road, this land could not be sold to anyone but the adjoining owner and therefore this area of land is exempt from offer back to any former owners or successors in title in accordance with S40 (4) of the Public Works Act 1981;</i>	
<i>(vii) agrees to stop the portion of legal road adjoining 17 Pitoitoi Road, Days Bay shown on the aerial photograph attached as Appendix 1 to the report; and</i>	
<i>(viii) sells the stopped road to the owner of 17 Pitoitoi Road, Days Bay."</i>	

f) **Proposed Road Stopping and Sale of legal road fronting 69 Waione Street, Petone (16/445)**

The Divisional Manager, Parks and Gardens elaborated on the report.

RECOMMENDED:

Minute No. PandR 16207

"That the Committee recommends that Council:

- (i) receives the report;*
- (ii) notes that the owners of 69 Waione Street are interested in purchasing the legal road fronting their property from Council;*
- (iii) notes that Council's Road and Traffic Division see no need to retain the area of legal road shown on the aerial photograph, attached as Appendix 1 to the report, (approximately 83m²) fronting 69 Waione Street for roading purposes now or in the future;*
- (iv) notes that Council would need to follow the road stopping procedures within the Public Works Act 1981 or Local Government Act 1974 in order to be able to sell the land to the adjoining owners;*
- (v) notes that officers intend to undertake the road stopping process in accordance with Section 116 of the Public Works Act 1981. However, if this is not approved by the Minister of Lands officers will follow the road stopping process set out in Section 342 and the Tenth Schedule of the Local Government Act 1974;*
- (vi) notes that due to the size, shape and situation of this portion of legal road, this land could not be sold to anyone but the adjoining owner and therefore this area of land is exempt from offer back to any former owners or successors in title in accordance with S40 (4) of the Public Works Act 1981;*
- (vii) agrees to stop the portion of legal road adjoining 69 Waione Street shown on the aerial photograph attached as Appendix 1 to the report; and*
- (i) sells the stopped road to the owner of 69 Waione Street."*

g) **Proposed Road Stopping and Sale of legal road fronting 203 Marine Drive, Lowry Bay (16/450)**

The Divisional Manager, Parks and Gardens elaborated on the report.

RECOMMENDED:

Minute No. PandR 16208

"That the Committee recommends that Council:

- (i) receives the report;*
- (ii) notes that the owners of 203 Marine Drive, Lowry Bay are interested in purchasing the legal road fronting their property from Council;*
- (iii) notes that Council's Road and Traffic Division see no need to retain the area of legal road shown on the aerial photograph attached as Appendix 1 to the report (approximately 14m²) fronting 203 Marine Drive, Lowry Bay for roading purposes now or in the future;*
- (iv) notes that Council would need to follow the road stopping procedures within the Public Works Act 1981 or Local Government Act 1974 in order to be able to sell the land to the adjoining owners;*
- (v) notes that officers intend to undertake the road stopping process in accordance with Section 116 of the Public Works Act 1981. However, if this is not approved by the Minister of Lands officers will follow the road stopping process set out in Section 342 and the Tenth Schedule of the Local Government Act 1974;*
- (vi) notes that due to the size, shape and situation of this portion of legal road, this land could not be sold to anyone but the adjoining owner and therefore this area of land is exempt from offer back to any former owners or successors in title in accordance with S40 (4) of the Public Works Act 1981;*
- (vii) agrees to stop the portion of legal road adjoining 203 Marine Drive, Lowry Bay shown on the aerial photograph attached as Appendix 1 to the report;*
- (viii) sells the stopped road to the owner of 203 Marine Drive, Lowry Bay."*

4. **MINUTES** (16/457)

Report No. PandR2016/2/73 by the Senior Committee Advisor

RESOLVED:

Minute No. PandR 16209

"That the report be received."

5. **ACTIVITY 12 REVIEW - ENVIRONMENTAL CONSENTS** (16/423)

Report No. PandR2016/2/101 by the Divisional Manager Environmental Consents

The Divisional Manager Environmental Consents elaborated on the report.

In response to questions from members, the Divisional Manager, Environmental Consents advised that there was a regional agreement between Councils to assist each other when a Council received an increased number of consents.

Cr Barry left the meeting at 8.45pm.

RESOLVED:

Minute No. PandR 16210

"That the Committee:

- (i) notes the information contained in this report;*
- (ii) notes that this review also meets the intent of section 17A of the Local Government Act 2002;
and*
- (i) notes that reasonably practicable options for the governance, funding and delivery of some aspects of this Activity are being considered by officers and will be reported to Council in due course."*

6. **GENERAL MANAGER'S REPORT - GOVERNANCE AND REGULATORY** (16/394)

Report No. PandR2016/2/102 by the General Manager, Governance and Regulatory

The Divisional Manager, Environmental Consents elaborated on the report. She advised in regard to the RMA Enforcement issue at Bell Road/Whites Line East that the Environment Court had released a decision ordering the business owner to stop using a residential property for commercial use. The Court had ordered all equipment to be moved off site.

In response to questions from members, the Divisional Manager, Environmental Consents gave an overview of the Environmental Court process. She advised with a majority of Environmental Court appeals, an application was submitted to recover Council costs.

Deputy Mayor Bassett asked officers to urgently review the District Plan work regarding urban intensification in relation to the Cornwall Street Environmental Court appeal.

RESOLVED:

Minute No. PandR 16211

"That the Committee notes the contents of the report."

7. **ACTIVITY REVIEW 12: ENVIRONMENTAL POLICY** (16/412)

Report No. PandR2016/2/1 by the Divisional Manager Environmental Policy

The Divisional Manager, Environmental Policy elaborated on the report.

In response to questions from members, the Divisional Manager, Environmental Policy advised that the District Plan work programme was set by Council. He noted that the Heritage list had been previously put on hold and a review was now set down to begin in 2017/18 or 2018/19 once other projects had been completed. He added that the work programme had to be balanced with the resources available to Council's Environmental Policy division.

MOVED: (Cr Lewis/Cr Lulich)

"That the Heritage work in the District Plan programme be prioritised for 2017/2018."

The motion was declared LOST on a show of hands.

RESOLVED:

Minute No. PandR 16212

"That the Committee:

- (i) notes the information contained in this report;*
- (ii) notes that this review also meets the intent of section 17A of the Local Government Act 2002; and*
- (iii) agrees that a full section 17A review should not be undertaken at present because the review presented here is sufficient."*

8. **INFORMATION ITEMS**

a) **District Plan Update** (16/395)

Report No. PandR2016/2/75 by the Divisional Manager Environmental Policy

Cr Finlayson declared a conflict of interest in relation to this item and took no part in discussion or voting on this matter.

The Divisional Manager Environmental Policy elaborated on the report.

RESOLVED:

Minute No. PandR 16213

"That the memorandum be noted and received."

b) **Policy and Regulatory Committee Work Programme** (16/396)

Report No. PandR2016/2/37 by the Senior Committee Advisor

RESOLVED:

Minute No. PandR 16214

"That the memorandum be received."

9. **QUESTIONS**

There were no questions.

There being no further business the Chair declared the meeting closed at 9.30 pm.

Cr MJ Cousins
CHAIR

**CONFIRMED as a true and correct record
Dated this 24th day of May 2016**