

HUTT CITY COUNCIL**POLICY AND REGULATORY COMMITTEE**

Report of a meeting held in the Hutt City Council Chambers, 2nd Floor,
30 Laings Road, Lower Hutt on

Monday 5 September 2016 commencing at 5.30pm

PRESENT:

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

APOLOGIES:

There were no apologies.

IN ATTENDANCE:

Mr T Stallinger, Chief Executive
Ms K Kelly, General Manager, Strategic Services
Mrs J Raffills, General Manager, Governance and Regulatory
Mr B Cato, Solicitor (part meeting)
Mr A Cumming, Divisional Manager, Environmental Policy
Mr G Stuart, Divisional Manager, Regulatory Services (part meeting)
Mr L Dalton, Regional Manager Animal Services (part meeting)
Mr S Cager, Senior Project Engineer (part meeting)
Mr G Sewell, Principal Policy Advisor (part meeting)
Mr D Kerite, Building Manager (part meeting)
Ms M Philavong, Seismic Assessment Officer (part meeting)
Ms R Bangi, Environmental Policy Analyst
Mr N Geard, Environmental Policy Analyst
Ms K Glanville, Senior Committee Advisor

PUBLIC BUSINESS**1. APOLOGIES**

There were no apologies.

2. PUBLIC COMMENT

There was no public comment.

MAJOR ITEM NOT ON THE AGENDA**RESOLVED:****Minute No. PandR 16401***"That, in terms of Standing Order 25.10, the Committee:*

- (i) *notes that a memorandum regarding the 'Days Bay Dog Trial Area' was not included on the agenda for the meeting for the reason that the information was not received at the time the agenda for the Policy and Regulatory Committee was prepared; and*
- (ii) *agrees that the memorandum be considered at this meeting for the reason that the item is a matter of public safety and cannot be delayed to the new Council."*

3. CONFLICT OF INTEREST DECLARATIONS

Crs Barry, Cousins and Milne declared a conflict of interest in relation to item 5 'Issuing of New Leasees and Licences on Reserve Land for 2016 and 2017' and took no part in discussion or voting on the matter.

Cr Finlayson declared a conflict of interest in relation to item 8 a) 'District Plan Update' and took no part in discussion or voting on the matter.

4. RECOMMENDATIONS TO COUNCIL - 20 September 2016

- a) Wainuiomata Hill Shared Path - Proposed Land Purchase (16/936)

RECOMMENDED:**Minute No. PandR 16402***"That the Committee recommends that Council:*

- (i) *approves the proposed land purchases of Lot 1 DP 28783, Lot 1 DP90119 and Pt Section 1 SO 37082, attached as Appendix 1 to the report, for the Wainuiomata Hill Shared Path; and*
- (ii) *approves the proposed land purchase of Pt Sbdn 1 Sec 14 Hutt District (SO 18305), attached as Appendix 2 to the report, for the Wainuiomata Hill Shared Path."*

b) Public Places Bylaw 2016 (16/920)

RECOMMENDED:**Minute No. PandR 16403**

"That the Committee recommends that Council:

- (i) notes that no public submissions were received with respect to the proposal to replace the existing Hutt City Council Public Places Bylaw 2006 with a new Public Places Bylaw 2016;*
- (ii) agrees that the heading for Clause 13 of the new 2016 Bylaw be changed to read: 'Display and Advertising in Public Places', attached as Appendix 2 to the report;*
- (iii) agrees that the 2006 Bylaw be replaced with the proposed new Public Places Bylaw 2016, attached as Appendix 2 to the report;*
- (iv) agrees that, pursuant to s155 of the Local Government Act 2002, the proposed new Public Places Bylaw 2016:*
 - (a) is the most appropriate way of addressing the perceived problem;*
 - (b) is the most appropriate form of Bylaw; and*
 - (c) does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and*
- (v) agrees to revoke the existing Public Places Bylaw 2006 and replacing it with the Public Places Bylaw 2016, attached as Appendix 2 to the report, effective 4 October 2016."*

c) Earthquake-Prone Building Policy (16/923)

In response to questions from members, the Building Manager advised once the criteria for assessing earthquake-prone buildings had been set by the Ministry of Business Innovation and Employment, under the proposed timeframes Council had two and a half years to identify priority buildings and five years for all other buildings. He estimated 2,500 buildings would need to be assessed in the City. He said Council had been proactive in assessing buildings to date. He further advised that officers were holding meetings with building owners to update them about the new legislation. He noted the meetings held to date were positive.

The Chair asked that this item be included in Council's risk reporting.

RECOMMENDED:**Minute No. PandR 16404**

"That the Committee recommends that Council:

- (i) notes the Building (Earthquake-Prone Buildings) Amendment Act 2016 received royal assent on 13 May 2016 and is set to come into force in May 2018 or a date appointed by the Governor-General by Order in Council;*
- (ii) notes the Building (Earthquake-Prone Buildings) Amendment Act 2016 amends the Building Act 2004 to change the system for managing earthquake-prone buildings and has a transition phase needing to be followed by Council to meet the new legal requirements;*
- (iii) notes that most of the legislated process is dependent on the Chief Executive of the Ministry of Business Innovation and Employment or the Governor-General setting various methodologies and regulations which are yet to be completed and enacted;*
- (iv) notes that Hutt City Council's Earthquake-Prone Building Policy 2011 is due for review in 2016 under current legislation but that the Ministry of Business Innovation and Employment has advised all territorial local authorities that as part of the transition phase all such policies can be rolled over without the need to consult; and*
- (v) agrees to adopt the Earthquake-Prone Building Policy, attached as Appendix 1 to the report, on the same terms as the current policy. "*

d) Draft Dangerous and Insanitary Buildings Policy 2016 (16/1026)

In response to a question from a member, the Building Manager advised that between one and two dangerous and/or insanitary buildings were assessed in a calendar year.

In response to a question from a member, the Principal Policy Advisor advised that a meeting to hear submissions would be held in the new triennium.

RECOMMENDED:

Minute No. PandR 16405

"That the Committee recommends that Council:

- (i) notes that the current Dangerous and Insanitary Buildings Policy is due for review;*
- (ii) notes the outcome of the review of the current Policy is to propose a draft Policy with no changes;*
- (iii) notes that, subject to any amendments the Committee may wish to make, a draft Statement of Proposal and draft Policy has now been prepared for consideration; and*
- (iv) agrees to consult on the Statement of Proposal and the proposed draft Policy, attached as Appendices 1 and 2 to the report in accordance with the requirements of the Local Government Act 2002 by means of a special consultative procedure."*

e) Proposed Plan Change 42 - 38 Manor Park Road, Zoning of Stopped Road as General Residential Activity Area (16/978)

RECOMMENDED:

Minute No. PandR 16406

"That the Committee recommends that Council:

- (i) notes that a part of Manor Park Road at the corner of Manor Park Road and Ford Road was stopped;*
- (ii) notes that the road stopped area is proposed to be zoned as General Residential Activity Area;*
- (iii) resolves to promulgate Proposed Plan Change 42 for consultation, attached as Appendix 1 to the report;*
- (iv) instructs officers to publicly notify Proposed Plan Change 42 as soon as possible; and*
- (v) allows officers to make any non-policy changes to the details of the proposed Plan Change should the need arise."*

- f) Proposed Plan Change 44 Korimako Road/Pitoitoi Road, Days Bay
Zoning as Hill Residential Activity Area (16/1030)

RECOMMENDED:	Minute No. PandR 16407
<i>"That the Committee recommends that Council:</i>	
<i>(i) notes that a part of Korimako/Pitoitoi Roads are proposed to be stopped;</i>	
<i>(ii) notes that the subject site is proposed to be zoned as Hill Residential Activity Area;</i>	
<i>(iii) resolves to promulgate Proposed Plan Change 44 for consultation, attached as Appendix 1 to the report;</i>	
<i>(iv) instructs officers to publicly notify Proposed Plan Change 44 as soon as practicable; and</i>	
<i>(v) allows officers to make any non-policy changes to the details of the proposed Plan Change should the need arise."</i>	

- g) Delegation for CEO of Wellington Water Limited to approve warrants
(16/1031)

RECOMMENDED:	Minute No. PandR 16408
<i>"That the Committee recommends that Council:</i>	
<i>(i) grants the Chief Executive Officer (CEO) of Wellington Water Limited (Wellington Water) the delegation to issue Council warrants to Wellington Water staff;</i>	
<i>(ii) grants to the CEO of Wellington Water the delegation to issue warrants to enforcement officers;</i>	
<i>(iii) makes the above delegations subject to the conditions, limits and restrictions outlined in the attached proposed letter, attached as Appendix 1 to the report, with necessary modifications, to be sent to the CEO of Wellington Water;</i>	
<i>(iv) makes the above delegations further conditional on all staff being granted a warrant for Lower Hutt having first signed that they understand and will adhere to the Council Warrant Holders Policy;</i>	
<i>(v) makes the above delegations subject to any other conditions the Chief Executive of Council deems necessary, from time to time; and</i>	
<i>(vi) confirms the delegations made to the CEO of Wellington Water in the Service Level Agreement between Wellington Water and Council dated 31 October 2013."</i>	

h) Days Bay Dog Trial Area

The Divisional Manager, Regulatory Services spoke to a tabled memorandum, attached as page 10 to the minutes. He advised that 49 submissions had been received since the trial of the area north of the Days Bay Wharf had commenced. He said the majority of submissions were regarding dog intimidation, enforcement issues and the concerns about the mix of dogs and children in the area. He noted that two individuals had made 26 submissions.

In response to questions from members, the Divisional Manager, Regulatory Services advised that the area north of the Days Bay Wharf was a small area as opposed to the west end of Petone Beach which was also a dog exercise area. He said that submissions at the time of considering the Dog Control Bylaw showed 86% of submitters supported a 9.00am to 8.00pm on leash restriction in the Days Bay area. He noted that due to timing the Eastbourne Community Board would be updated about the proposal in the new triennium.

Cr Branch expressed concern of the number of submissions made by two people. She advised that she did not support the officer's recommendations.

Mayor Wallace noted the recommendations brought the Days Bay Wharf area in line with the rest of the City.

RECOMMENDED:**Minute No. PandR 16409**

"That the Committee recommends that Council:

- (i) agrees that when daylight savings starts, that dogs are only permitted off leash north of the Days Bay Wharf, Eastbourne after 8.00pm until 9.00am, and at all other times must be on leash; and*
- (ii) notes that this is in line with the rest of the City's beach areas, where dogs are required to be leashed between those respective times."*

Cr Branch requested that her dissenting vote be recorded against the above matter.

5. **ISSUING OF NEW LEASES AND LICENCES ON RESERVE LAND FOR 2016 AND 2017** (16/909)

Report No. PandR2016/4/193 by the Administration Officer

Crs Barry, Cousins and Milne declared conflicts of interest and took no part in discussion or voting on the matter.

Cr Cousins vacated the chair.

Cr Bridson assumed the chair.

RESOLVED:

Minute No. PandR 16410

"That the Committee:

- (i) *notes that in accordance with the Reserves Act 1977 the Council has publicly notified its intention to issue new leases and licences to the clubs and organisations listed in the schedule attached to the report as Appendix 1, with no submissions received; and*
- (ii) *agrees to issue a new lease or licence to each of the clubs/organisations listed in Appendix 1 for the terms proposed in the schedule."*

Cr Cousins resumed the chair.

6. **ELECTRONIC DISTRICT PLAN AS THE OFFICIAL LEGAL VERSION** (16/918)

Report No. PandR2016/4/194 by the Environmental Policy Analyst

In response to a question from a member, the Divisional Manager, Environmental Policy advised that there would still be up-to-date hard copies of the Hutt City District Plan in Council's Libraries and Customer Service Centre.

RECOMMENDED:

Minute No. PandR 16411

"That the Committee recommends that Council:

- (i) *notes that officers will provide hard copies of the Hutt City District Plan (whole or in part) in Council's Libraries and Customer Service Centre;*
- (ii) *agrees that the electronic version of the Hutt City District Plan becomes the official legal version of the Hutt City District Plan, including a Hutt City District Plan GIS layer as the official legal version of the Hutt City District Plan maps; and*
- (iii) *agrees that the electronic version of the Hutt City District Plan becomes the official legal version from 3 October 2016."*

7. **GENERAL MANAGER'S REPORT - GOVERNANCE AND REGULATORY** (16/960)

Report No. PandR2016/4/202 by the Divisional Manager Environmental Consents

RESOLVED:

Minute No. PandR 16412

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

8. **INFORMATION ITEMS**

a) **District Plan Update** (16/958)

Report No. PandR2016/4/161 by the Divisional Manager Environmental Policy

RESOLVED:

Minute No. PandR 16413

"That the report be noted and received."

b) **Policy and Regulatory Committee Work Programme** (16/1018)

Report No. PandR2016/4/53 by the Senior Committee Advisor

RESOLVED:

Minute No. PandR 16414

"That the report be noted and received."

9. **QUESTIONS**

There were no questions.

The Chair thanked the members for their work over the past three years and wished them well in the upcoming local government elections.

Mayor Wallace thanked the Chair and Deputy Chair for their stewardship of the Committee over the triennium.

There being no further business the Chair declared the meeting closed at 6.30 pm.

Cr MJ Cousins
CHAIR

CONFIRMED as a true and correct record
Dated this 20th day of September 2016

Item 4h) Days Bay Dog Trial Area

MEMORANDUM



Our reference: DIV/16/6257

To: Policy and Regulatory Committee members

From: Geoff Stuart, Divisional Manager Regulatory Services

Date: 5 September 2016

SUBJECT: DAYS BAY DOG TRIAL AREA

It is recommended that Council:

- (i) agrees that when daylight savings starts that dogs are only permitted off leash north of the Days Bay Wharf after 8.00pm until 9.00am, and at all other times must be on a leash.
- (ii) notes that this is in line with the rest of the City's beach areas, where dogs are required to be leashed between those respective times.

At its meeting held on 8 November 2015 and reconvened on 22 October 2015 and 2 November 2015, the Policy and Regulatory Subcommittee recommended that:

Item 4 x) Beaches Eastbourne/The Bays (Map 46) – allow dogs to be permitted at the north end of the wharf, subject to a one year review. Members asked officers and Eastbourne Community Board to monitor this during the year;

At its meeting on 15 December 2015, Council resolved to designate a portion of Days Bay Beach as an off leash dog exercise area for a trial period of twelve months which commenced in February this year running through to February 2017.

This trial has been in effect for seven months, through submissions council officers have become concerned about the safety of children, and other persons using this area for recreational activities where dogs can be off leash.

In view of recent Government reviews into public safety within our communities, especially around areas where children congregate and where dogs are being exercised in unfenced areas, officers have been very concerned about this area now being trialled and recommend that the trial for this area of beach be stopped at the commencement of daylight savings.

Generally where there is a playground, Hutt City Council prohibits dogs and where there are open playing fields dogs should remain on leash.

Days Bay is well-used by locals and many people visit it through the year especially during the summer months. As the beach is tidal the amount of space for recreational area is reduced significantly, to the point where dogs off leash and the safety of children are compromised.

Geoff Stuart
Divisional Manager Regulatory Services