

HUTT CITY COUNCIL

Minutes of an ordinary meeting of The Hutt City Council held in the Council Chambers,
2nd Floor, 30 Laings Road, Lower Hutt on
Tuesday 22 November 2016 commencing at 6.00pm

PRESENT:

Mayor WR Wallace (Chair)	
Deputy Mayor D Bassett	Cr G Barratt
Cr C Barry	Cr L Bridson
Cr J Briggs	Cr MJ Cousins
Cr S Edwards	Cr T Lewis
Cr M Lulich	Cr G McDonald
Cr C Milne	Cr L Sutton

APOLOGIES: There were no apologies.

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
 Ms J Beck, Divisional Manager Human Resources (part meeting)
 Mr A Cumming, Divisional Manager, Environmental Policy (part meeting)
 Ms C Tessororf, Senior Environmental Policy Analyst (part meeting)
 Mr S Keatley, Community Facilities Manager
 Ms M Laban, Community Projects and Relationship Manager (part meeting)
 Mr L Earl, Traffic Assets Manager (part meeting)
 Mr A Hopkinson, Senior Traffic Engineer (part meeting)
 Ms C Steed, City Events Manager (part meeting)
 Mr R Gardiner, City Events Coordinator (part meeting)
 Mr T Cardy, Communications Advisor (part meeting)
 Ms S Lytollis, Communications and Marketing Advisor (part meeting)
 Ms K Stannard, Divisional Manager Secretariat Services
 Ms K Glanville, Senior Committee Advisor (part meeting)
 Mrs A Doornebosch, Committee Advisor

PUBLIC BUSINESS**1. APOLOGIES**

There were no apologies.

2. **STATUTORY DECLARATION BY COUNCILLOR M J COUSINS**

Cr Cousins made the statutory declaration required by Clause 14, Schedule 7 of the Local Government Act 2002, which was witnessed by Mayor Wallace.

3. **STATUTORY BRIEFING** (16/1216)

Report No. HCC2016/5/175 by the Solicitor

The Chief Executive elaborated on the report.

RESOLVED:

Minute No. C 16501

"That the Council notes the legislative provisions affecting the member."

4. **PUBLIC COMMENT**

There was no public comment.

5. **MAYORAL STATEMENT**

Mayor Wallace delivered his mayoral statement.

Deputy Mayor Bassett advised that Dr Nancy Bertler won the Science and Technology Welly Award for 2016. Dr Bertler was an Associate Professor at the Antarctic Research Centre at Victoria University and GNS Science.

Cr Bridson noted the passing of Pastor Doug Pa'u, who was the Chair and one of the founders of Team Naenae and a member of Saint Columba Church.

RESOLVED:

Minute No. C 16502

"That the Mayoral Statement be noted."

6. **CONFLICT OF INTEREST DECLARATIONS**

Cr Bridson declared a conflict of interest in relation to item 7e, Proposed Temporary Road Closures for the Naenae Festival and took no part in discussion or voting on the matter.

7. **MISCELLANEOUS**

a) **Code of Conduct for Elected Members** (16/1226)

Report No. HCC2016/5/244 by the Divisional Manager, Secretariat Services

The Chief Executive elaborated on the report.

Mayor Wallace highlighted that if members adopted the new Code of Conduct ('the Code'), then they would need to agree on whether to establish a Code of Conduct Committee and whether the Committee would have decision-making powers or recommendations to Council in regard to breaches of the Code.

Cr Barry suggested a workshop would provide an opportunity to discuss the Code to ensure all local issues and requirements were captured.

In response to a question from a member, Mayor Wallace advised that members had the ability to raise any issues with the content of the Code at the meeting. He advised that if there were a number of issues raised then a workshop would be organised.

In response to a question from a member regarding investigators being paid pro bono, the Chief Executive advised that the organisation paid for services for highly skilled people to undertake appropriate work.

Cr Milne expressed concern with the process where complaints about breaches to the Code were referred to an independent investigator and the importance of keeping the complainant and respondent fully informed when the investigator was making a preliminary assessment of the complaint. He also expressed concern with the potential delay for determining and investigating complaints. He highlighted issues with community representatives being appointed to the Committee.

Deputy Mayor and Cr Barratt expressed support for the Code advising that LGNZ provided advice to Councils and had the experience and knowledge to draft the new model.

Cr Cousins advised that Council had appointed community representatives as members on a number of Committees with no issues. She cautioned members that placing timeframes on determining and investigating complaints could cause problems. She highlighted that ex Councillors would offer a great deal of value as community representatives sitting on the Code of Conduct Committee.

Mayor Wallace asked members to provide feedback to the Chief Executive on the content of the Code of Conduct.

Mayor Wallace requested the Chief Executive to report back to the next Council meeting on the best practice for the Code of Conduct Committee, the composition of its membership and whether the potential community representatives would be happy to provide services on a pro bono basis.

RESOLVED:**Minute No. C 16503***"That Council:*

- (i) receives the report;*
- (ii) notes that any amendment to an existing Code of Conduct or the adoption of a new Code of Conduct requires a vote in support of not less than 75% of the members present;*
- (iii) considers whether it wishes to adopt the draft Code of Conduct for Elected Members attached as Appendix 1 to the report or retain the current Code of Conduct; and*
- (iv) asks the Chief Executive to report back with a proposal for the composition of the Code of Conduct Committee (the Committee) including whether the Committee will have recommendatory or decision-making powers in relation to breaches of the Code of Conduct."*

b) Standing Orders (16/1223)

Report No. HCC2016/5/243 by the Senior Committee Advisor

The Divisional Manager, Secretariat Services elaborated on the report. She highlighted the four main amendments to the Local Government New Zealand (LGNZ) Standing Orders. The four main amendments were public forums, joining meetings by audio and audio visual means, webcasting of meetings and options for speaking and moving motions.

Members discussed at length public recording meetings and electronic devices at meetings. Members agreed that electronic devices be switched to silence and personal use may only occur at the discretion of the Chair. Members agreed that recording of meetings by the public may not occur unless approval is given by the Chair at the commencement of the meeting.

Members discussed the period set aside at the start of meetings for the purpose of public input (public forum). Members agreed that the public comment section would be retained for Council, committees and subcommittee meetings. In the case of community boards they agreed that the public forum section would be reported to the Community Boards for consideration.

Members agreed that the status quo (Option A) for speaking and moving motions at Council meetings would remain. They also agreed that Option B, which allowed for additional options for members to speak, would be considered by the Chairs of the Standing Committees. They also agreed that Option C, which was more liberal, would be reported to the Community Boards for consideration. Officers agreed to set up a table for motions and amendments that covered Options B and C.

In response to a question from a member relating to voting rights for Tangata Whenua, Cr Cousins advised that community representatives appointed to Council's Civic Honours Committee also were given speaking and voting rights.

In response to a question from a member relating to distribution of the agenda at least five working days before the meeting, the Divisional Manager Secretariat Services advised that officers made every endeavour to send the agenda out as soon as it was final. In some cases agendas were sent out three working days before the meeting.

The Chief Executive advised if Council instructed officers to review the meeting timetable in order to send the agenda out at least five working days before the meeting, this would result in amending the meeting schedule which would reduce the 2017 meeting cycle.

In response to a question from a member, the Divisional Manager Secretariat Services advised that Leave of Absence and Apologies related to voting rights for Council's current Standing Orders would be included in the new Standing Orders, which would include provision to give reasons for leave of absences.

RESOLVED:

Minute No. C 16504

"That Council:

- (i) receives the information contained in the report;*
- (ii) notes the requirement for Local Authorities to adopt Standing Orders for the conduct of its meetings and those of its committees;*
- (iii) notes the requirement to achieve the agreement of at least 75% of members present at a meeting to adopt (and amend) the Standing Orders; and*
- (iv) asks officers to incorporate amendments to the Local Government New Zealand Standing Orders template agreed at the meeting; and*
- (v) asks officers to report back to the Council meeting to be held in December 2016 for ratification of the final document."*

PRECEDENT OF BUSINESS

That in accordance with Standing Order 25.5, Mayor Wallace accorded precedence to items dealing with item 7e Proposed Temporary Road Closures, item 7f Proposed District Plan Change 44 - Korimako Road / Pitoitoi Road, Days Bay - Zoning as Hill Residential Activity Area Final Approval and item 7g Operative Date and Proposed District Plan Change 42 - 38 Manor Park Road, Manor Park - Zoning as General Residential Activity Area Final Approval and Operative Date.

c) **Remuneration and Employment Policies** (16/1236)

Report No. HCC2016/5/245 by the Divisional Manager Human Resources

The Divisional Manager Human Resources elaborated on the report.

RESOLVED:

Minute No. C 16508

"That Council:

- (i) *notes the Remuneration Policy, Recruitment and Selection of Employees Guidelines and Equal Employment Opportunity Policy, attached as Appendices 1 to 3 to the report;*
- (ii) *notes that the Policy and Guidelines, once adopted, are reviewed at intervals of no more than three years in accordance with the Local Government Act 2002 (Section 36A); and*
- (iii) *agrees that the Policy and Guidelines are rolled over until the living wage report is submitted in 2017."*

d) **Appointment of Directors - Seaview Marina Limited, UrbanPlus Limited and Hutt City Community Facilities Trust** (16/1231)

Report No. HCC2016/5/249 by the Solicitor

Mayor Wallace highlighted that expressions of interest from members for Councillor Director positions had been sought and were due by 28 November 2016.

RESOLVED:

Minute No. C 16509

"That Council:

- (i) *notes that Mr Arthur Stewart's term on the boards of Seaview Marina Limited (SML) and UrbanPlus Limited (UPL) will expire on 31 December 2016;*
- (ii) *notes that the position for an independent director for these council controlled organisations will be advertised in the meantime;*
- (iii) *agrees that Mr Stewart's term be extended until 31 March 2017 to enable the search process to be completed;*
- (iv) *in relation to UPL, SML and the Hutt City Community Facilities Trust notes the process for the appointment of councillor directors is as set out in the report and will be reported back at the December Council meeting; and*
- (v) *in relation to UPL, agrees that the number of councillor directors on the board be reduced to one instead of two."*

e) **Proposed Temporary Road Closures** (16/1214)

Report No. HCC2016/5/246 by the Senior Traffic Engineer

Cr Bridson declared a conflict of interest and took no part in discussion or voting on the matter.

The Senior Traffic Engineer elaborated on the report. He noted no objections had been received for the Naenae Festival or the Dowse Square Christmas Festival.

The City Events Manager advised the Dowse Square Christmas Festival was one of nine events to be held in Hutt City over December. She noted the proposal to base these events around the new city precinct over the next three years.

RESOLVED:

Minute No. C 16510

"That Council agrees to approve the following proposed temporary road closures subject to the conditions listed in the Proposed Temporary Road Closure Impact reports attached as Appendices 1 and 2 to the report:

(a) *Naenae Festival*

Everest Avenue between Vogel Street and Treadwell Street, on Saturday 26 November 2016, from 6:00am to 2:00pm, for the annual Naenae Festival attached as Appendices 1 and 1A to the report; and

If the event is postponed due to bad weather it will be held on Sunday, 27 November 2016; and

(b) *Dowse Square Christmas Festival*

Laings Road between Knights Road and a point 30 metres west of Myrtle Street, on Saturday 17 December, 2016 from noon to 10:30pm, for the Dowse Square Christmas Festival attached as Appendices 2 and 2A to the report; and

If the event is postponed due to bad weather it will be held on Sunday 18 December 2016."

f) **Proposed District Plan Change 44 - Korimako Road / Pitoitoi Road, Days Bay - Zoning as Hill Residential Activity Area**
Final Approval and Operative Date (16/1227)

Report No. HCC2016/5/247 by the Senior Environmental Policy Analyst

The Divisional Manager Environmental Policy elaborated on the report.

RESOLVED:

Minute No. C 16511

"That Council:

- (i) resolves, pursuant to clause 17 of the First Schedule of the Resource Management Act 1991, to approve Plan Change 44 to the City of Lower Hutt District Plan, as outlined in Appendix 1 to the report;*
- (ii) approves the affixing of the Common Seal to Plan Change 44 in accordance with Standing Order 18.2, as set out in Appendix 2 to the report; and*
- (iii) notes that a public notice will be included in the Hutt News on 29 November 2016 advising the operative date of Plan Change 44."*

g) **Proposed District Plan Change 42 - 38 Manor Park Road, Manor Park - Zoning as General Residential Activity Area**
Final Approval and Operative Date (16/1228)

Report No. HCC2016/5/248 by the Environmental Policy Analyst

The Divisional Manager Environmental Policy elaborated on the report.

RESOLVED:

Minute No. C 16512

"That Council:

- (i) resolves to approve Proposed Plan Change 42 to the City of Lower Hutt District Plan, as outlined in Appendix 1 to the report (pursuant to clause 17 of the First Schedule of the Resource Management Act 1991);*
- (ii) approves to affix the Common Seal to Plan Change 42 as set out in Appendix 2 to the report (in accordance with Standing Order 18.2); and*
- (iii) notes that a public notice will be included in Hutt News on 29 November 2016 advising the operative date of Plan Change 42."*

h) Community Board Delegations and Functions (16/1250)

Report No. HCC2016/5/55 by the Divisional Manager, Strategy and Planning

RESOLVED:

Minute No. C 16513

"That the Council approves the proposed Delegations and Functions for Community Boards, as amended, for the 2016-2019 triennium attached as Appendix 1 to the report."

i) Council Committees 2016-2019 (16/1248)

Memorandum dated 16 November 2016 by the Mayor

The Mayor elaborated on the memorandum. He noted that the committee structure could be revised in 18 months time.

RESOLVED:

Minute No. C 16514

"That Council:

- (i) notes the Council Committees for the 2016-2019 triennium attached as Appendix 1 to the report;*
- (ii) notes that the membership and full terms of reference for each committee will be available at the December 2016 Council meeting; and*
- (iii) notes that a review of the Council Committees will be undertaken in 18 months' time."*

j) **Membership to joint committees/subcommittees and community boards**
(16/1245)

Memorandum dated 15 November 2016 by the Senior Committee Advisor.

RESOLVED:

Minute No. C 16515

“That Council:

- (i) *confirms the membership attached as Appendix 1 to the memorandum as recommended by the Mayor:*

Hutt Valley Services Committee: Mayor Wallace, Deputy Mayor Bassett, Cr Bridson, and Cr McDonald (Cr Sutton Alternate);

Wellington Regional Strategy Committee: Mayor Wallace and Deputy Mayor Bassett (Alternate);

Civil Defence Emergency Management Group (Wellington Region): Mayor Wallace and Deputy Mayor Bassett (Alternate);

Regional Transport Committee: Mayor Wallace and Deputy Mayor Bassett (Alternate);

Hutt Valley Flood Management Subcommittee: Mayor Wallace, Deputy Mayor Bassett and Cr Milne (Cr Edwards Alternate);

Wellington Water Committee: Deputy Mayor Bassett and Mayor Wallace (Alternate)

Wellington Regional Waste Minimisation and Management (WMMP) Joint Committee: Cr Bridson

Wellington Regional Amenities Fund Joint Committee: Mayor Wallace; and

- (ii) *adopts the Terms of Reference for the Hutt Valley Services Committee, attached as Appendix 2 to the report.”*

k) **Revised Elected Members Remuneration 2016/2017** (16/1241)

Memorandum dated 15 November 2016 by the Chief Executive

The Chief Executive elaborated on the report. He noted base salaries had not changed, but there was a new Committee structure in place. He highlighted that the cap on the Deputy Mayor's salary had been removed. He advised that the workload of the Deputy Mayor was substantial. received remuneration for his work as Chair of a Council committee

RESOLVED:

Minute No. C 16516

"That Council:

- (i) *receives and notes the content of the memorandum; and*
- (ii) *approves that the pool available for positions of additional responsibility should be allocated as follows:-*

	Total Salary
<i>Mayor</i>	\$139,238
<i>Deputy Mayor (+50% of base salary)</i>	\$77,724
<i>Committee Chair Community Services (+15% of base salary)</i>	\$59,588
<i>Committee Chair Finance and Performance Committee (+15% of base)</i>	\$59,588
<i>Committee Chair Policy and Regulatory Committee (+15% of base)</i>	\$59,588
<i>Committee Chair District Plan (+15% of base salary)</i>	\$59,588
<i>Committee Chair Hutt Valley Services Committee (+7.5% of base salary)</i>	\$55,702
<i>Subcommittee Chair Arts and Culture Subcommittee (+7.5% of base)</i>	\$55,702
<i>Base Salary Councillor</i>	\$51,816

After allowing for \$20,000 for Councillors to undertake additional work arising from the District Plan, \$84,770 (82%) of the pool available for positions of additional responsibility will be utilised."

1) **Schedule of Meetings for 2016/2017** (16/1215)

Report No. HCC2016/5/242 by the Committee Advisor

RESOLVED:

Minute No. C 16517

“That Council:

- (i) adopts the schedule of meetings attached as Appendix 1 to the report, which provides for one cycle of meetings for the balance of 2016 subject to approval by the community boards in respect of their meetings dates;*
- (ii) adopts the schedule of meetings attached as Appendix 2 to the report, which provides five weekly meeting cycles in 2017 subject to approval by the community boards in respect of their meetings dates;*
- (iii) notes the commencement time of Council and its standing committees will be agreed at its meeting to be held in December 2016;*
- (iv) agrees that the venue for the meetings of Council and its committees and subcommittees, other than community boards, be the Council Chambers, Hutt City Council Administration Building, 30 Laings Road, Lower Hutt; and*
- (v) delegates authority to the Chief Executive in consultation with the Mayor or Committee Chair to alter the date, time or venue of a meeting, or cancel a meeting, should circumstances require this.”*

8. **MINUTES**

RESOLVED:

Minute No. C 16518

“That the minutes of the meeting of the Inaugural Meeting of Council held on Thursday, 27 October 2016, be confirmed as a true and correct record.”

9. **FIXING OF DATE AND TIME OF COUNCIL MEETING IN DECEMBER 2016**

RESOLVED:

Minute No. C 16519

“That an ordinary meeting of the Hutt City Council be held in the Council Chambers, Hutt City Council, 30 Laings Road, Lower Hutt on Thursday, 15 December 2016 commencing at 6.00pm.”

7. **QUESTIONS**

There were no questions.

8. **SEALING AUTHORITY** (16/1163)

Report No. HCC2016/5/14 by the Committee Administrator

RESOLVED:

Minute No. C 16520

"That 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

Caveat

- a) *The Hutt City Council and AEA Main
25 Pinny Avenue, Epuni, (Record Number L16/168)*

Removal of a caveat providing that a car port could not be used for any other purpose. Environmental Consents are satisfied this would now be covered by the District Plan provisions.

Compensation Certificate under Section 19 of the Public Works Act 1981

- b) *The Hutt City Council and CM Poihipi
Wainuiomata Hill Pathway Project
WN 57C/717 (Record Number L16/212)*
- c) *The Hutt City Council and CM Poihipi
108 Gracefield Road, Lower Hutt
Record Number L16/205)*

Council is acquiring small amounts of land in relation to the Wainuiomata Hill Pathway Project.

Covenant for Uncertified Fill

- d) *The Hutt City Council and Wellington Regional Council
Land Swap, 260 Hill Road, Belmont
(Record Number L16/209)*

Easement

- e) *The Hutt City Council and CS Hebley and EL McMEnamin
4 Grenville Street, Waiwhetu, Lower Hutt
Sewage Drainage Easement
(Record Number L16/186)*
- f) *The Hutt City Council and Luzo Limited
Sewage, 972 High Street, Avalon
(Record Number L16/185)*

Standard grant of drainage rights to Council when subdividing.

Memorandum of Agreement Pursuant to the Public Act 1981

- g) *The Hutt City Council and CM Poihipi
Road for Wainuiomata Hill Pathway Project
108 Gracefield Road (Record Number L16/195)*
- h) *The Hutt City Council and CM Poihipi
Wainuiomata Hill Pathway Project
1-3 Parkway, Wainuiomata (Record Number L16/199)*

Same matter as b) and c) above.

Subdivision

- i) *The Hutt City Council and DW Gilbertson and DK Gilbertson
117 Stratton Street, Normandale includes easement and Consent of title Memorandum of
Encumbrance B427677.1 for Boundary Adjustment
(Record Number L16/177)*

Council consent to a matter not related to it.

- j) *Transfer Land Subject to Easements
The Hutt City Council and Greater Wellington Regional Council
Barber Grove, Moera, Lower Hutt (Record Number L16/194)*

Warrants Approved

<i>Pandalie Simeon – RECON WARRANT-16-16</i>	<i>1. Local Government Act 2002 Authorised person pursuant to ss171, 173 (powers of entry in general) 10. Land Transport Act 1988 Parking Warden pursuant to s128D 13. Resource Management Act 1991 Enforcement Officer (Noise Control only) pursuant to s38(2)</i>
<i>Laura Lainchbury – RECON WARRANT-16-17</i>	<i>1. Local Government Act 2002 Authorised person pursuant to ss171, 173 (powers of entry in general) 10. Land Transport Act 1988 Parking Warden pursuant to s128D 13. Resource Management Act 1991 Enforcement Officer (Noise Control only) pursuant to s38(2)</i>
<i>Nicole Tyson – HCC WARRANT-16-18</i>	<i>1. Local Government Act 2002 Authorised person pursuant to ss171, 173 (powers of entry in general) Enforcement Officer pursuant to s177 (including additional powers of entry) 14. Sale and Supply of Alcohol Act 2012 Inspector pursuant to s197(1)</i>

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SCHEDULE 2

Deed of Lease

- a) *The Hutt City Council and Upper Hutt City Council and Auto Logistics Ltd
Land 17 Wareham Place, Seaview (Record Number L16/193)*

Deed of Covenant

- b) *The Hutt City Council and B Fly
239 Rata Street, Naenae
Title W20C/822 Encumbrance 526659.1
(Record Number L16/170)*

A replacement deed for a new purchaser of land with an existing encumbrance to Council."

9. EXCLUSION OF THE PUBLIC

RESOLVED:

Minute No. C 16521

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

10. *Chief Executive's Term of Office (16/1234)*

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>Chief Executive's Term of Office.</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 withholding exist.</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 9.05pm. The non public portion of the meeting finished at 9.40pm.

WR Wallace
MAYOR

CONFIRMED as a true and correct record
Dated this 15th day of December 2016