

## 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  
**Thursday 15 December 2016 commencing at 6.00pm**

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**PRESENT:**

Mayor WR Wallace (Chair)	Deputy Mayor D Bassett
Cr G Barratt	Cr C Barry
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:** An apology was received from Cr L Bridson.

**IN ATTENDANCE:**

Mr T Stallinger, Chief Executive  
 Ms K Kelly, General Manager, Strategic Services  
 Mr B Sherlock, General Manager, City Infrastructure  
 Mrs J Raffills, General Manager, Governance and Regulatory (part meeting)  
 Mr M Reid, General Manager, Community Services  
 Mr B Kibblewhite, Chief Financial Officer  
 Mr B Cato, Solicitor  
 Mr A Yip, Manager - Strategic Projects (part meeting)  
 Ms C Christensen, CBD Development Manager (part meeting)  
 Ms L Barr, Project Manager (part meeting)  
 Mr G Craig, Divisional Manager City Development (part meeting)  
 Mr B Monaghan, Divisional Manager, City Promotions  
 Mr P Maaka, Urban Design Manager (part meeting)  
 Mr M Mercer, Sport and Recreation Manager (part meeting)  
 Ms W Moore, Divisional Manager Strategy and Planning (part meeting)  
 Mr A Cumming, Divisional Manager Environmental Policy (part meeting)  
 Mr N Gerard, Environmental Policy Analyst (part meeting)  
 Ms C Tessendorf, Senior Environmental Policy Analyst (part meeting)  
 Mr S Keatley, Community Facilities Manager (part meeting)  
 Mr G Sewell, Principal Policy Advisor (part meeting)  
 Ms K Stannard, Divisional Manager Secretariat Services  
 Ms S Haniel, Committee Advisor

### PUBLIC BUSINESS

**1. APOLOGIES**

**RESOLVED:**

**Minute No. C 16501(3)**

*"That the apology received from Cr L Bridson be accepted and leave of absence be granted."*

## 2. PUBLIC COMMENT

Comments are recorded under the item to which they relate.

## 3. MAYORAL STATEMENT

3.

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 16502(3)**

*"That the Mayoral Statement be noted and appreciation be extended to staff, via the Chief Executive, for their efforts in going the extra mile after the earthquake."*

## 4. PRESENTATION

Mr Stuart Reid gave a presentation on a proposal for street art in Petone comprising of four kinetic sculpture clocks. He said that purchase costs would be paid for by sponsors and asked that Council fund the running costs. He further said that he had discussed the proposal with businesses, Petone 2040 and the Petone Community Board. He noted that he had received support from those groups. He outlined the benefits of the proposal which included increased foot traffic; promote Petone worldwide as a destination; highlight the role of technology and art; raise the level of community pride; link with heritage feature of Petone and link with other tourism endeavours in the City.

In response to questions from members, Mr Reid said that the clocks would have security designed into them to deter vandalism. He advised that Council's running costs would include insurance, water supply, electricity, internet connection, security monitoring, glass replacement, contractor, maintenance, website maintenance and resource consents.

In response to a question from a member, the Chief Executive said that the maintenance cost of running the existing Petone clock was \$1,000 per annum. He added that it was \$30,000 to restore the Petone clock.

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 16503(3)**

*"That Council supports the Petone Clock Walk proposal in principle and asks that the matter be reported through the Annual Plan process and the Public Arts Advisory Group."*

RESOLVED: (Cr Cousins/Mayor Wallace) **Minute No. C 16504(3)**

*"That Council requests that the Petone Clock Walk proposal be reported to the Public Arts Advisory Group first, then the appropriate Council Committee and then through the Annual Plan process."*

## 5. CONFLICT OF INTEREST DECLARATIONS

Deputy Mayor Bassett declared a conflict of interest in relation to item 7f, Shaftesbury Grove Land Development, Holborn and item 14, Appointment of Directors - Urban Plus Limited.

Cr Cousins declared a conflict of interest in relation to item 7j, Hutt City Community Facilities Trust Assets and item 14, Appointment of Directors - Hutt City Community Facilities Trust.

Cr Milne declared a conflict of interest in relation to item 14, Appointment of Directors – Seaview Marina Limited.

### **PRECEDENCE OF BUSINESS**

**RESOLVED:** (Mayor Wallace/Cr Milne)

**Minute No. C 16505(3)**

*“That, in terms of Standing Order 10.4, precedence be accorded to item 7 k) dealing with the Accessibility and Inclusiveness Plan 2017-2027.”*

This item is recorded in the order in which it is listed on the order paper.

## **6. HEARINGS REPORT 9 DECEMBER 2016 WITH RECOMMENDED ITEMS**

Hearings Panel – 9 December 2016

Item 3a) Control of Alcohol in Public Places Bylaw 2016

The Principal Policy Advisor elaborated on the report.

In response to questions from members, the Principal Policy Advisor said that appropriate and clear signage would be installed to inform the public of the bylaw.

**RESOLVED:** (Cr Cousins/Cr Lewis)

**Minute No. C 16506(3)**

*“That Council*

- (i) agrees to provide for the following alcohol free areas within the city:*
  - a) Days Bay Beach, Eastbourne on Guy Fawkes Night alcohol free zone hours be reduced to 6pm 5 November to 5am 6 November every year;*
  - b) Days Bay Beach, Eastbourne to be an alcohol free zone 9pm-5am (except as provided for on Guy Fawkes Night);*
  - c) Norfolk Street shopping area, Wainuiomata to be an alcohol free zone at all times;*
  - d) Homedale Village shops, Wainuiomata to be an alcohol free zone at all times;*
  - e) Queen Street shops and Hugh Sinclair Park, Wainuiomata to be alcohol free zones at all times;*
  - f) Stokes Valley shopping centre and Speldhurst Park, Stokes Valley to be alcohol free zones at all times;*
  - g) the designated area of Petone to be an alcohol free zone at all times; and including an extended area to include the length of Pito-One Road, Korokoro up to and including Cornish Street, Korokoro to have a 9pm – 5am alcohol free ban year-round;*
  - h) the designated area of the central business district to be an alcohol free zone at all times;*
  - i) the introduction of the carpark area of Jubilee Park, Normandale with a 9pm – 5am ban on alcohol year-round;*
  - j) the introduction of the carpark area of Oakleigh Street, Maungaraki with a 9pm – 5am ban on alcohol year-round;*
  - k) Taita shopping area and Walter Nash Park to be alcohol free zones at all times;*

- l) *Naenae shopping area to be an alcohol free zone at all times;*
- m) *Seaview/Gracefield to be an alcohol free zone 9pm – 5am year-round;*
- n) *Eastbourne specified area to be an alcohol free zone 9pm – 5am year-round;*
- o) *the following areas be monitored for incidents of crime and disorderly behaviour caused or made worse by alcohol consumption, with a view for possible inclusion in an alcohol free zone in the future:*
  - aa) *Dry Creek entrance to Belmont Regional Park including the camping area;*
  - bb) *Moera shopping area;*
  - cc) *Burden’s Gate, Eastbourne;*
  - dd) *rural and rural/residential areas of the City;*
  - ee) *Whitcher Grove, Wainuiomata Recreational Area;*
  - ff) *Arakura Park, Wainuiomata;*
  - gg) *Wagon Park, Stokes Valley;*
  - hh) *Sladden Park, Petone including Halford Place;*
  - ii) *Pito-One Road, Korokoro up to and including Cornish Street, Korokoro (for possible inclusion in a total alcohol ban at all times zone);*
- (ii) *agrees to introduces a city-wide alcohol ban covering all public places within the City of Lower Hutt from 9pm to 5am seven days a week, excluding the following areas:*
  - a) *Eastbourne from Point Howard to Burden’s Gate, except as already outlined and Days Bay Beach;*
  - b) *the Western Hills area west of SH2, except the Jubilee Park carpark, Normandale, the extended Petone area to include Pito-One Road and Cornish Street, Korokoro; and the Oakley Street carpark entrance to Belmont Regional Park;*
  - c) *those areas in Wainuiomata in a 70km/h or greater speed zone, and the area of Upper Fitzherbert Road;*
- (iii) *adopts the Alcohol in Public Places Bylaw 2016, attached as Appendix 2 to the report, effective 21 December 2016; and*
- (iv) *extends its thanks to members of the Hearings Panel for their efforts in hearing the submissions.”*

**RESOLVED:** (Cr Cousins/Mayor Wallace)

**Minute No. C 16507(3)**

*“That Council:*

- (i) *asks officers to report back on a process by which to review the effectiveness of the Control of Alcohol in Public Places Bylaw (‘the bylaw’) arrangements including information from the Police and Health as to its data; and*
- (ii) *asks officers to include in the report the following suggestions as to whether Council should be reviewing the effectiveness of the bylaw ie six monthly or yearly, hospital statistics relating to people affected by alcohol, infringement notices and prosecutions issued by the Police.”*

## Item 3b) Dangerous and Insanitary Buildings Policy 2016

RESOLVED: (Cr Cousins/Cr Lewis)**Minute No. C 165068(3)***"That Council:*

- (i) notes that one submission was received with respect to the proposal to replace the existing Dangerous and Insanitary Buildings Policy 2011 with an updated Dangerous and Insanitary Buildings Policy 2016;*
- (ii) agrees to amend the Dangerous and Insanitary Buildings Policy 2016 to reflect the submitters suggested wording as outlined in the officer's report; and*
- (iii) adopts the Dangerous and Insanitary Buildings Policy 2016, including the proposed changes as outlined and attached in Appendix 2 to the report."*

**7. MISCELLANEOUS****a) Standing Orders (16/1367)**

Memorandum dated 30 November 2016 by the Senior Committee Advisor

Cr Milne expressed concern with the wording in Standing Order (SO) 30.5. He considered that Tangata Whenua should not have the same speaking and voting rights as elected members. He further said that the quorum rules would be problematic regarding the required number of Tangata Whenua representatives in SO 30.7.

The Solicitor said that the provisions for Tangata Whenua contained in the Standing Orders related to a Memorandum of Understanding. He highlighted that to make a change to Standing Orders without consulting with Iwi would have a major effect on Council's relationship with Iwi.

Cr Edwards advised that he did not support a total ban on electronic or digital recordings of meetings as worded in SO 12.4.

Members discussed that the Chairs of Council Committees have the right to stop the use of electronic devices in meetings if necessary.

Cr Barry suggested an amendment to SO 10.8. Members agreed that agendas be sent out at least three working days prior to a meeting if members did not have the weekend to review the reports.

RESOLVED: (Cr Edwards/Cr Barry)**Minute No. C 16509(3)***"That Council:*

- (i) receives the information contained in the memorandum;*
- (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) *adopts the Hutt City Council Standing Orders, attached as Appendix 1 to the report subject to an amendment to clause 12.4 to read:-*

*Use of an electronic device by anyone during the meeting is ruled a distraction by the chair that person can be asked to stop and be removed from the meeting if they refuse to desist."*

**RESOLVED:** (Cr Barry/Cr Briggs)

**Minute No. C 16510(3)**

*"Standing Order Clause 10.8 to read:-*

*Any member of the public may, ...within a period of two clear working days before the day of a meeting when a weekend falls within this period, otherwise three clear working days before the day of a meeting, all agendas..."*

*Standing Order Clause 10.10 to read:-*

*The chief executive must send the agenda to every member of a meeting two clear working days before the day of the meeting when a weekend falls within this period, otherwise three clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 9.4)."*

**b) Code of Conduct for Elected Members (16/1385)**

Report No. HCC2016/5/273 (2) by the Divisional Manager, Secretariat Services

**RESOLVED:** (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 16509(3)**

*"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) *adopts the draft new Code of Conduct for Elected Members attached as Appendix 1 to the report subject to an additional item 9 to clause 13:1 Material breaches to read:-*
  - 9. *Reimbursement of all or a portion of Council's external costs, including meeting payments to external committee members, incurred in investigating the matter.;*
- (iv) *agrees to establish a Code of Conduct Committee comprising of the Mayor (or delegate), two community representatives and an alternate community representative;*
- (v) *agrees that the Code of Conduct Committee will have decision-making powers in relation to breaches of the Code of Conduct;*
- (vi) *approves the Terms of Reference for the Code of Conduct Committee attached as Appendix 2 to the report; and*
- (vii) *delegates authority to the Chief Executive to negotiate and make a decision regarding*

*payment to the community representatives.”*

c) **Private Plan Change Request from Best Value Homes - Rule Amendments and Rezoning of Land at 1N and 57N Mandel Mews (16/1297)**

Report No. HCC2016/5/266 (2) by the Senior Environmental Policy Analyst

The Divisional Manager Environmental Policy elaborated on the report.

**RESOLVED:** (Mayor Wallace/Cr Lewis)

**Minute No. C 16512(3)**

*“That Council:*

- (i) *notes that Best Value Homes has lodged a private plan change request (attached as Appendix 1 to the report), seeking amendments to site specific provisions for 1N Mandel Mews and rezoning of 57N Mandel Mews.*
- (ii) *considers the four options available under the Resource Management Act on how to respond to a private plan change request, namely:*
  - a. *to adopt the private plan change request in whole or in part;*
  - b. *to accept the private plan change request in whole or in part;*
  - c. *to convert the private plan change request into a resource consent application ;*  
*or*
  - d. *to reject the private plan change request;*
- (iii) *accepts the private plan change request in whole;*
- (iv) *instructs officers to commence the plan change process for a private plan changes as set out in the First Schedule of the Resource Management Act 1991; and*
- (v) *allows Council officers to make any minor non-policy changes to the details of the proposed private plan change should the need arise.”*

d) **Private Plan Change 35 - Rezoning of Land at Military Road/Hathaway Avenue/Boulcott Street as General Residential Activity Area with Provision for a Retirement Village (16/1326)**

Report No. HCC2016/5/260 (2) by the Senior Environmental Policy Analyst

The Divisional Manager Environmental Policy elaborated on the report.

In response to a question from a member, the Divisional Manager Environmental Policy confirmed that there had been no change to Plan Change 35 since Council made its decision in 2016 to adopt the recommendation.

**RESOLVED:** (By Division) (Mayor Wallace/Cr Cousins) **Minute No. C 16513(3)**

*"That Council:*

- (i) *resolves, pursuant to clause 17 of the First Schedule of the Resource Management Act 1991, to approve Private Plan Change 35 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 Private Plan Change 35 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 20 December 2016 advising the operative date of Private Plan Change 35."*

The motion was declared CARRIED by Division with the voting as follows:

**For**

Mayor Wallace  
Cr Barratt  
Cr Briggs  
Cr Cousins  
Cr Edwards  
Cr Lewis  
Cr Lulich  
Cr Milne  
Cr McDonald  
Cr Sutton

Total: 10

**Against**

Cr Barry

Total: 1

Deputy Mayor Bassett abstained from voting on the above matter.



e) **Proposed Plan Change 38 - Taita Drive, North of Avalon Park - Rezoning to General Residential Activity Area and General Recreation Activity Area**  
(16/1316)

Report No. HCC2016/5/259 (2) by the Senior Environmental Policy Analyst

The Senior Environmental Policy Analyst elaborated on the report.

**RESOLVED:** (Mayor Wallace/Cr McDonald) **Minute No. C 16514(3)**

*"That Council:*

- (i) notes that the subject Sites are proposed to be rezoned to General Residential Activity Area and General Recreation Activity Area respectively;*
- (ii) resolves to promulgate Proposed Plan Change 38, attached as Appendix 1 to the report, for consultation;*
- (iii) instructs officers to publicly notify Proposed Plan Change 38 as soon as practicable; and*
- (iv) allows officers to make any non-policy changes to the details of the proposed Plan Change should the need arise."*

f) **Shaftesbury Grove Land Development, Holborn** (16/1360)

Memorandum dated 30 November 2016 by the Divisional Manager, Parks and Gardens

Deputy Mayor Bassett declared a conflict of interest and left the meeting for the duration of the item.

The General Manager City Infrastructure elaborated on the report.

**RESOLVED:** (Mayor Wallace/Cr Sutton) **Minute No. C 16515(3)**

*"That Council agrees to amend its resolution of 20 September 2016 on the Reserve Revocation Proposal for Holborn, Stokes Valley, by removing the requirement in part (v) that the plan change be successfully achieved prior to the land being surplus, such that it now reads:*

- (v) "agrees that, subject to the Department of Conservation ratifying the revocation the land be declared surplus and made available for transfer to UrbanPlus Limited for a residential housing development, attached as Appendices 1 and 3 to Report PRSub2016/4/210."*

g) **Proposal to Declare Local Purpose Reserve (Road) in Wise Street, Wainuiomata, as Legal Road** (16/1201)

Report No. HCC2016/5/269 (2) by the Traffic Assets Manager

The General Manager City Infrastructure elaborated on the report.

**RESOLVED:** (Cr Barry/Cr Briggs)

**Minute No. C 16516(3)**

*“That Council:*

- (i) approves the dedication as road of two local purpose (road) reserves described as Lot 10 DP 336174 and Lot 10 DP 302320, as shown as Section 1 on plan SO 505133, attached as Appendix 1 to the report, to enable the extension of Wise Street, Wainuiomata, pursuant to section 111 of the Reserves Act 1977; and*
- (ii) notes that the owners of interests over the land to be dedicated as road will have to approve the surrender of those interests. The dedication as road will be subject to Council officers obtaining all the necessary approvals.”*

**h) CBD Free Parking Trial - Trial Outcomes (16/1281)**

Report No. HCC2016/5/267 (2) by the Divisional Manager City Development

Speaking under public comment, **Mr G Mann** expressed support for 30 minutes of free parking so that shoppers could get their shopping done quickly. He noted that people who used the free parking without shopping would be less able to abuse the system.

Speaking under public comment, **Mr J Bank** expressed support for an hour of free parking because it encouraged shopping in the CBD. He added that he was not against 30 minutes of free parking. He further said that this was a pertinent issue during this time of change after the earthquake.

Speaking under public comment, **Ms S Lafrentz** expressed support for one hour of free parking in the CBD for a further six months. She highlighted that there were empty shops in High Street and free parking was needed to bring people into the City. She added that Council could consider altering the balance of parking fees by introducing parking fees to Wainuiomata and Petone.

The Divisional Manager City Development elaborated on the report.

MOVED: (Mayor Wallace/Cr Barry)

That Council:

- (i) notes a first hour free parking trial is being undertaken in the HC2 Shopper Zone in the Lower Hutt CBD over the period 1 January 2016 to 15 January 2017;
- (ii) notes that Marketview has analysed the consumer spending in the Lower Hutt CBD for the period 1 January 2016 to 31 October 2016 to determine the extent of change following the implementation of first hour free parking in the CBD. A summary of its findings is included in paragraphs 17 to 19 of the report and its full report is attached as Appendix 1 to the report;
- (iii) notes that officers have estimated the annual loss of revenue to Council of making first hour free parking in the HC2 Shopper Zone at \$600,000 based on the data available since the parking fee changes as at 1 July 2016 and that in the event that first hour free parking is made permanent this annual loss will need to be factored into Council's Long Term Plan considerations for 2017-2018 financial year and beyond;
- (iv) notes that officers have compared the all-day parking rates in Lower Hutt to other centres in paragraphs 43 to 44 of the officers report and conclude that they are reasonable;
- (v) notes that metered parking areas are covered by Council's Traffic Bylaw 2007 (adopted by Council 3 July 2007 and amended 20 November 2014) and that Council may by resolution specify the days and times for which fees apply to each metered parking area and may by resolution prescribe, abolish or amend fees as Council may reasonably require;
- (vi) accepts the officers recommendation that first hour free parking in the HC2 Shopper Zone be discontinued effective from 16 January 2017; but that

Council continues to invest in the infrastructure and programmes in the CBD to increase the number of people in the CBD and therefore the number of potential shoppers. This includes the investment in the refurbishment of the Admin building, development of the Events Centre, attracting a 4 Star+ hotel development, redevelopment of Riddiford Gardens, development incentives, five years rates remissions for development, investment in the Lightning Lab Manufacturing and future development of a riverside Promenade in conjunction with the stopbank improvements;

- (vii) agrees with regard to the current parking fees to adopt Option C - Revert to first hour paid parking and revert all other parking fee changes from 1 July 2016 to the rate effective immediately prior to 1 July 2016, adopting the charges schedule outlined in paragraph 42 of the officers report; and
- (viii) considers the concerns as to the timing of any change back to first hour paid parking outlined in paragraphs 45 to 48 of the officer's report and agrees in regard to adopting Option C to:

Delay the implementation Monday, 27 February 2017 when the CBD should be well into recovery from the 14 November earthquake; signalled by the reopening of the retail stores within the current demolition cordons inside and outside of Queensgate Mall and the reopening of the majority of car parking within Queensgate Mall which are expected to reopen in just over two months.

Mayor Wallace advised that the purpose of free parking was to revitalise the CBD. However he noted that the evidence had shown that this had not worked. He further said that the parking was now at a premium due to the recent earthquake. He added that Council needed a detailed report on City parking and the future of City parking, noting the proposal to develop the promenade. He considered that the subsidised fees for all day parking needed to be reversed.

Cr Milne expressed support for the motion adding that an unintended consequence of the trial was that workers were parking at Melling Station.

Cr Sutton expressed support for the one hour free parking and advised that she would like it continued permanently until the City was vibrant. She advised that Council could recover costs by introducing parking metres in Petone.

Cr Barratt expressed support for stopping the free parking in one month's time. She added that Council had shown empathy to the CBD by introducing the trial. She further said it would be fair for Petone to have parking fees.

Cr Barry expressed support for stopping the free parking trial and reversing the increased charges at the Riverbank Carpark.

Cr Edwards expressed support for free parking in the CBD. He believed that the data did not inform Council about how retailers would have performed without free parking. He advised that it was easy to get a park in the CBD but not in Petone.

Cr Lewis expressed support for stopping the free parking. She said that the date for re-introduction of parking fees should be extended to get people through the effects of the earthquake. She added that she did not support parking fees in Petone.

Cr Lulich expressed support for the motion. He added that officers had provided a report to the previous Council which stated that paid parking in Petone was not feasible.

Cr Briggs expressed support for the comments made by Crs Milne and Barry. He said that it was unfair for workers to pay extra in parking fees.

Deputy Mayor Bassett expressed concern and advised that he would be voting against the motion. He said that the CBD had been going through a difficult time and Council should show its support to retailers. He added that Petone’s free parking was not a level playing field for retailers. He highlighted that there should be a comprehensive review of parking across the whole City.

Cr McDonald expressed support for the comments made by Deputy Mayor Bassett.

The motion was taken in parts.

**RESOLVED:** (BY DIVISION) (Mayor Wallace/Cr Barry) **Minute No. C 16517(3)**

*“Reverse and decrease the HC3 and long term parking back to the original rate effective from 16 January 2017.”*

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

**For**

**Against**

Mayor Wallace  
 Deputy Mayor Bassett  
 Cr Barratt  
 Cr Barry  
 Cr Briggs  
 Cr Cousins  
 Cr Edwards  
 Cr Lewis  
 Cr Lulich  
 Cr Milne  
 Cr McDonald

Cr Sutton

Total: 11

Total: 1

With the consent of his seconder, Mayor Wallace agreed to make an amendment to the original motion to delay the implementation for HC2 until 3 April 2017.

**RESOLVED:** (BY DIVISION) (Mayor Wallace/Cr Barratt) **Minute No. C 16518(3)**

*“(i) extend the current HC2 parking fee schedule from 16 January 2016 to 2 April 2017;  
 and*

*(iii) delay the implementation for HC2 until Monday, 3 April 2017.”*

The motion was declared CARRIED by Division with the voting as follows:

<u>For</u>	<u>Against</u>
Mayor Wallace	Deputy Mayor Bassett
Cr Barratt	Cr Sutton
Cr Barry	Cr Edwards
Cr Briggs	
Cr Cousins	
Cr Lewis	
Cr Lulich	
Cr Milne	
Cr McDonald	
Total: 9	Total: 3

**RESOLVED:** (On a Show of Hands)  
(Mayor Wallace/Cr Barry)

**Minute No. C 16519(3)**

*"That Council:*

- (i) *notes a first hour free parking trial is being undertaken in the HC2 Shopper Zone in the Lower Hutt CBD over the period 1 January 2016 to 15 January 2017;*
- (ii) *notes that Marketview has analysed the consumer spending in the Lower Hutt CBD for the period 1 January 2016 to 31 October 2016 to determine the extent of change following the implementation of first hour free parking in the CBD. A summary of their findings is included in paragraphs 17 to 19 of this report and their full report is attached as Appendix 1 to the report;*
- (iii) *notes that officers have estimated the annual loss of revenue to Council of making first hour free parking in the HC2 Shopper Zone at \$600,000 based on the data available since the parking fee changes as at 1 July 2016 and that in the event that first hour free parking is made permanent this annual loss will need to be factored into Council's Long Term Plan considerations for 2017-2018 financial year and beyond;*
- (iv) *notes that officers have compared the all-day parking rates in Lower Hutt to other centres at paragraphs 43 to 44 of the officer's report and conclude that they are reasonable; and*
- (v) *notes that metered parking areas are covered by Council's traffic Bylaw 2007 (adopted by Council 3 July 2007 and amended 20 November 2014) and that Council may by resolution specify the days and times for which fees apply to each metered parking area and may by resolution prescribe, abolish or amend fees as Council may reasonably require."*

Deputy Mayor Bassett reiterated his request for officers to undertake a comprehensive review of parking in the City. He added that the review should include the promenade development and future demand.

Cr Lewis reiterated concern regarding the introduction of parking fees in Petone.

Mayor Wallace considered that Petone could face some serious parking problems and that it would be included in the review.

**RESOLVED:** (Deputy Mayor Bassett/Cr Sutton) **Minute No. C 16520(3)**

*"Asks officers to expedite a comprehensive review of parking across the City in order to meet demands and requirements going forward including solutions."*

**RESOLVED:** (Mayor Wallace/Cr Barry) **Minute No. C 16521(3)**

*"Encourages Councillors to support the 'shop local' campaign."*

**i) Proposed New Private Street Name - Mazzola Way (16/1235)**

Report No. HCC2016/5/256 (2) by the Traffic Engineer

The General Manager City Infrastructure elaborated on the report.

**RESOLVED:** (Mayor Wallace/Cr McDonald) **Minute No. C 16522(3)**

*"That Council approves the name of the new private road at 19 Mabey Road as "Mazzola Way", as shown in Appendix 1 attached to the report."*

The meeting adjourned at 7.45pm and resumed at 7.50pm.

j) **Hutt City Community Facilities Trust Assets** (16/1293)

Report No. HCC2016/5/270 (2) by the General Manager Community Services

Cr Cousins declared a conflict of interest and left the meeting for the duration of the item.

The General Manager Community Services elaborated on the report.

In response to questions from members, the General Manager Community Services said that there had been a discussion at a Finance and Audit Committee meeting earlier in 2016 and the general approach in the report had been agreed upon at that meeting. He added that the Hutt City Community Facilities Trust was at an important point in its negotiations and his advice was that the matter should not be deferred to the next meeting of the Finance and Performance Committee.

Cr Milne highlighted that this was a major issue and believed the report was Council's first opportunity to examine the matter. He expressed concern that there was no mention in the officer's report regarding consultation with user groups.

Mayor Wallace requested that the Chair and Deputy Chair of the Finance and Performance Committee progress the matter with officers. He further requested that the matter be discussed at the upcoming Strategic Planning Session to be held in January 2017.

**RESOLVED:** (Mayor Wallace/Cr McDonald)

**Minute No. C 16523(3)**

*"That Council :*

- (i) *approves the approach outlined in the officer's report in principle and asks officers to report back to the upcoming Councillors Strategic Planning Session; and*
- (ii) *authorises the Chair and Deputy Chair of the Finance and Performance Committee to enter into discussions with officers with regard to the leases to allow officers to progress the matter."*



k) **Accessibility and Inclusiveness Plan 2017-2027** (16/1208)

Report No. HCC2016/5/264 (2) by the Divisional Manager, Strategy and Planning

Speaking under public comment, **Mr M Grigg** expressed concern with the process undertaken to develop the Accessibility and Inclusiveness Plan (the Plan). He considered that the Plan should not be fast tracked and should be reported through the Community Boards for consultation.

Speaking under public comment, **Mr N Ruane** said that there had been a lack of community representation by the disability sector. However, he believed the sector now had the support of Council.

Speaking under public comment, **Mr P Blundell** said that he supported the Plan and that it be fast tracked and modified later. He further encouraged Council to select people who had a wide vision for an inclusive society and to build using clever design. He added that the City needed an environment that was purpose built for everyone. He said that the Terms of Reference should be reviewed, to have one vision rather than two visions, to review what other Councils were doing in this regard and for Council to progress the development of a national strategy.

The Divisional Manager, Strategy and Planning elaborated on the report.

In response to a question from a member, the Divisional Manager Strategy and Planning said that ideally the Plan would evolve over time. She reiterated that the Plan recommended the establishment of an Accessibility and Inclusiveness Advisory Group (the Group).

Mayor Wallace highlighted that the Group should report to a Council Committee which linked into the annual plan process, be a decision making body and have mana.

Cr Cousins considered that it was important for the Group to understand the financial side of Council and the impact of its advice on expenditure. She added that there would need to be prioritising of the advice. .

Cr Briggs considered it important for Community Boards to take a lead role in the consultation and engagement with communities.

**RESOLVED:** (Mayor Wallace/Cr Barratt)

**Minute No. C 16524(3)**

*“That Council agrees to consulting on the Terms of Reference and draft Accessibility and Inclusiveness Plan 2017-2027 with the disability community in Hutt City attached as Appendix 1 and Appendix 2 to the report.”*

1) **Committee Membership and Terms of Reference for the 2016-2019 Triennium**  
(16/1393)

Memorandum dated 9 December 2016 by the Mayor

Mayor Wallace elaborated on the memorandum.

**RESOLVED:** (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 16525(3)**

*“That Council:*

- (i) *receives the report;*
- (ii) *notes the appointments of the Chairs, Deputy Chairs and members of the Council committees and subcommittees for the 2016-19 triennium as follows:-*

*Community Plan Committee: Mayor Wallace (Chair), Deputy Mayor Bassett (Deputy Chair) and all Councillors;*

*City Development Committee: Deputy Mayor Bassett (Chair), Cr Sutton (Deputy Chair), Cr Barry, Cr Barratt, Cr Cousins, Cr Edwards, Cr McDonald, Cr Milne, Cr Lewis, Cr Lulich and Mayor Wallace (ex-officio);*

*Finance and Performance Committee: Cr Milne (Chair), Cr Barry (Deputy Chair), Cr Barratt, Cr Briggs, Cr Cousins, Cr Edwards, Cr Lulich, Cr Sutton and Mayor Wallace (ex-officio);*

*Policy and Regulatory Committee: Cr Cousins (Chair), Cr Edwards (Deputy Chair), Deputy Mayor Bassett, Cr Bridson, Cr Briggs, Cr Barry, Cr Lewis, Cr Lulich, Cr Milne, Cr Sutton and Mayor Wallace (ex-officio);*

*District Plan Committee: Cr Bridson (Chair), Cr Cousins (Deputy Chair), Cr Barry, Cr Briggs, Cr Lewis and Cr Milne;*

*Community Services Committee: Cr Barratt (Chair), Cr Briggs (Deputy Chair), Cr Bridson, Cr Edwards, Cr Lulich, Cr McDonald, Cr Milne, Cr Sutton and Mayor Wallace (ex-officio);*

*Civic Honours Committee: Mayor Wallace (Chair), Deputy Mayor Bassett (Deputy Chair), Cr Barry, Cr Bridson, Cr Cousins, Cr Sutton, Cr Lewis and four community representatives (to be appointed) and Cr Barratt (Alternate), Cr Briggs (Alternate), Cr Edwards (Alternate), Cr Lulich (Alternate), Cr McDonald (Alternate) and Cr Milne (Alternate);*

*Chief Executive’s Employment Subcommittee: Mayor Wallace (Chair), Deputy Mayor Bassett (Deputy Chair), Cr Cousins and Cr Milne;*

*Traffic Subcommittee: Cr Cousins (Chair), Cr Edwards (Deputy Chair), Cr Barratt, Cr Briggs, Cr Lewis and Cr Sutton;*

*Temporary Road Closure Subcommittee: Deputy Mayor Bassett (Chair), Cr Sutton (Deputy Chair), Cr Barratt, Cr Lewis and Cr Edwards;*

*Arts and Culture Subcommittee: Cr Lulich (Chair), Vacant (Deputy Chair), Mayor Wallace, Deputy Mayor Bassett and five community representatives;*

*(iii) notes the terms of reference for the Council committees and subcommittees for the 2016-19 triennium attached as pages 25-47 to the minutes; and*

*(iv) notes the Councillor appointments to Council working groups for the 2016-19 triennium as follows:-*

*Cycling Steering Group: Mayor Wallace, Deputy Mayor Bassett, Cr Milne, Cr Bridson and Cr Lewis*

*Civic Precinct Project Steering Group: Deputy Mayor Bassett (Chair), Cr Barry Cr Edwards, Cr Milne, Chief Executive and General Manager City Infrastructure;*

*Safe Hutt Valley Governance Group: Mayor Wallace, Cr Edwards and Cr McDonald;*

*CBD Making Places Task Force: Mayor Wallace, Deputy Mayor Bassett, Cr Bridson, Cr Cousins, Cr Edwards and Cr Milne;*

*Creative Communities: Cr Lulich;*

*Healthy Homes Working Group: Mayor Wallace, Cr Barry and Cr Bridson;*

*Community Arts and Culture Advisory Group: Cr Lulich;*

*Property Working Group for Advancing Strategic Projects; Mayor Wallace, Deputy Mayor Bassett, Cr Milne; One Council appointed represented appointed to Board of UrbanPlus Ltd ("UPL"), if neither the Chair of Finance and Performance Committee nor Chair of City Development Committee is Council appointee to UPL Board; Chief Executive of Council and Chief Executive of UPL;*

*Huia Pool Project Control Group; Deputy Mayor Bassett, Cr Edwards, Cr Lewis, Cr Milne, and the Strategic Leadership Team; and*

*Zone 4 Local Government New Zealand: 1. Cr Lewis, 2. Cr Barry, Cr Edwards (Alternate), Cr Sutton (Alternate) and the rest of the Councillors."*

**m) Appointment of Chair and Deputy Chair of Lower Hutt District Licensing Committee (16/1224)**

Report No. HCC2016/5/268 (2) by the Senior Committee Advisor

**RESOLVED:** (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 16526(3)**

*“That Council:*

- (i) approves the appointment of Cr Margaret Cousins as Chair of the Lower Hutt District Licensing Committee for her term of office during this triennium, and*
- (ii) approves the appointment of Cr Lisa Bridson as Deputy Chair and a list member of the Lower Hutt District Licensing Committee for her term of office during this triennium.”*

**n) Appointments to External Organisations (16/1129)**

Report No. HCC2016/5/265 (2) by the Committee Advisor

**RESOLVED:** (Mayor Wallace/Cr McDonald) **Minute No. C 16527(3)**

*“That Council:*

- (i) notes that at the beginning of each triennium Council makes appointments to external organisations;*
- (ii) notes that Councillors have expressed their preferences for the organisation on which they would be interested in serving, attached as Appendix 1 to the report;*
- (iii) notes that the Mayor is a member of the Hutt Valley Disabled Resources Trust, Vogel Trust and Hutt Minoh House Friendship Trust by virtue of his office; and*
- (iv) makes appointments to the following external organisations:*
  - Hutt Valley Lawn Tennis and Squash Trustees – Deputy Mayor Bassett and Cr Edwards (Alternate);*
  - Keep Hutt City Beautiful Executive Committee – Cr Barratt;*
  - Lender of the Last Resort Trust Board – Cr Sutton; and*
  - Epuni Care and Protection Facility – Cr Barratt and Cr Barry.”*

**o) Finance Update - October 2016 (16/1379)**

Report No. HCC2016/5/271 (2) by the Chief Financial Officer

The Chief Financial Officer elaborated on the report.

In response to a question from a member, the Chief Financial Officer said that Council had a strategy in place to manage the annual leave of staff.

**RESOLVED:** (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 16528(3)**

*"That the Council notes the financial performance results and full year forecast projections."*

**p) Amendments to the 2017 Meeting Schedule (16/1339)**

Memorandum dated 28 November 2016 by the Committee Advisor

**RESOLVED:** (Mayor Wallace/Cr Edwards) **Minute No. C 16529(3)**

*"That Council:*

- (i) notes the amended meeting dates for the Wellington Water Committee 2017 meetings;*
- (ii) notes the meeting dates for the 2017 Wellington Regional Waste Minimisation and Management Joint Committee;*
- (iii) notes the Greater Wellington Regional Council meeting venue has been changed;*
- (iv) notes that the Arts and Culture Subcommittee meeting to be held in February 2017 is no longer required;*
- (v) agrees that Council meetings will commence at 6pm and its standing committees will commence at 5.30pm; and*
- (vi) agrees to amend its adopted schedule of meetings for 2017 attached as Appendix 1 to the memorandum."*

**8. MINUTES**

**RESOLVED:** (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 16530(3)**

*"That the minutes of the meeting of the Hutt City Council held on Tuesday, 22 November 2016, be confirmed as a true and correct record subject to an amendment under the Standing Orders item, last paragraph to read "In response.....relating to voting rights for...."."*

**RESOLVED:** (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 16531(3)**

*"That the minutes of the meeting of the Extraordinary Meeting of Council held on*

*Wednesday, 30 November 2016, be confirmed as a true and correct record."*

9. **QUESTIONS**

There were no questions.

10. **SEALING AUTHORITY** (16/1301)

Report No. HCC2016/5/15 (2) by the Committee Administrator

**RESOLVED:** (Mayor Wallace/Deputy Mayor Bassett)

**Minute No. C 16532(3)**

*"That the Council approve the affixing of the Common Seal to all relevant documents in connection with the items specified in Schedule 1 in accordance with Standing Order 8.2.*

*SCHEDULE 1 - General Sealing Authority*

*Easements*

- a) *The Hutt City Council  
Hugh Sinclair Park, The Strand, Wainuiomata  
(Record Number L16/235)*

*Easement rights to Council on subdivision*

- b) *The Hutt City Council and Gracefield Traders Limited  
Right to Drain Water  
45 Ruthven Road, Wainuiomata  
(Record Number L16/208)*

*A partial surrender of a right to drain water and a new right to drain water, Granted to Council*

- c) *The Hutt City Council and CK Atkinson and RN Martin  
Subdivision Reticulation – Sewage Drainage  
131 Muritai Road, Eastbourne  
(Record Number L16/201)*

*A right for Council to drain sewage.*

- d) *The Hutt City Council and Manx Developments Limited  
Subdivision at 19 Mabey Road, Avalon  
Rights to Drain Water and Sewage  
(Record Number L16/187)*

*Rights for Council to drain water and sewage*

*Encumbrance: Partial Discharge from Title and Authority and Instruction*

- e) *The Hutt City Council and Michael and Dilys Te Hiko  
204 Wise Street, Wainuiomata (RM150272)  
(Record Number L16/196)*

*Removal of an encumbrance relating to construction of a road. Replaced by a separate agreement with Council*

*Historical Authority and Instruction*

- f) *The Hutt City Council and Mr and Mrs Webb  
for Land Transfer in 1973  
11 Mulberry Grove, Maungaraki*

(Record Number L16/228)

*Signing off a historical transfer of a property from 1996 that the owners did not transfer at the time."*

## 11. EXCLUSION OF THE PUBLIC

**RESOLVED:** (Mayor Wallace/Deputy Mayor Bassett)

**Minute No. C 16533(3)**

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

12. *Minutes - 22 November 2016 and 30 November 2016*

13. *Huia Fitness Suite (16/1290)*

14. *Appointment of Directors - Seaview Marina Limited, UrbanPlus Limited and Hutt City Community Facilities Trust (16/1391)*

*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>Minutes of the Hutt City Council held on 22 November 2016 – 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>
<i>Minutes of the Hutt City Council held on 30 November 2016 – Economic Development Grant</i>	<i>The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities (s7(2)(h)).</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>
<i>Huia Fitness Suite</i>	<i>The withholding of the information is necessary to enable the</i>	<i>That the public conduct of the relevant part of the proceedings of the</i>



*local authority to carry out, without prejudice or disadvantage, commercial activities (s7(2)(h)).*

*meeting would be likely to result in the disclosure of information for which good reason for withholding exist.*

*Appointment of Directors - Seaview Marina Limited, Urban Plus Limited and Hutt City Community Facilities Trust*

*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.*

*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 8.55pm and the non public portion of the meeting finished at 9.50pm.

WR Wallace  
MAYOR

**CONFIRMED as a true and correct record  
Dated this 14<sup>th</sup> day of March 2017**

# HUTT CITY COUNCIL TERMS OF REFERENCE

These Terms of Reference set out the principal areas for which Council maintains overall responsibility. They also set out the delegations of Council functions, duties, and powers to Council committees and working groups.

The delegations in these Terms of Reference are expressed in general terms. They are to be read together with the following propositions.

These Terms of Reference:

- Do not delegate any function, duty or power which a statute (for example, clause 32 of Schedule 7 of the Local Government Act 2002) prohibits from being delegated; and
- Are subject to Council's authority to elect to exercise any of the powers delegated in these Terms of Reference; and
- Do not affect any delegation which the Council has already made or subsequently makes to a Council officer or other member of staff. Note: where a committee has a delegation that overlaps with a delegation made to an officer, it will be presumed that the delegation will be exercised by the officer unless the matter is brought before Council or a committee for its decision; and
- Are subject to any other statutory requirements that may apply to a particular delegation (for example, section 12 of the Fencing of Swimming Pools Act 1987);
- Do not delegate the power to sub-delegate or create subcommittees.

## COUNCIL

<b>Membership:</b>	<b>13</b>
<b>Meeting Cycle:</b>	<b>Council meets on a six weekly basis (Extraordinary Meetings can be called following a resolution of Council; or on the requisition of the Chair or one third of the total membership of Council)</b>

### **POWER TO (BEING A POWER THAT IS NOT CAPABLE OF BEING DELEGATED)<sup>1</sup>:**

- Make a rate.
- Make bylaws.
- Borrow money other than in accordance with the Long Term Plan (LTP).
- Purchase or dispose of assets other than in accordance with the LTP.
- Purchase or dispose of Council land and property other than in accordance with the LTP.
- Adopt the LTP, Annual Plan and Annual Report.
- Adopt policies required to be adopted and consulted on under the Act in association with the LTP or developed for the purpose of the Local Governance Statement.
- Appoint the Chief Executive.
- Exercise any powers and duties conferred or imposed on the local authority by the Public Works Act 1981 or the Resource Management Act 1991 that are unable to be delegated.
- Undertake all other actions which are by law not capable of being delegated.
- The power to adopt a Remuneration and Employment Policy.

### **DECIDE ON:**

#### **Policy issues**

- Adoption of all policy required by legislation.
- Adoption of policies with a city-wide or strategic focus.

#### **District Plan**

- Promotion of Plan Changes and Variations recommended by the District Plan Committee prior to public notification.
- The withdrawal of Plan Changes in accordance with clause 8D, Part 1, Schedule 1 of the Resource Management Act 1991.
- Approval, to make operative, of District Plan and Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).

#### **Representation, electoral and governance matters**

- The method of voting for the Triennial elections.

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<sup>1</sup> Work required prior to the making of any of these decisions may be deleted.

- Representation reviews.
- Council's Code of Conduct and Local Governance Statement.
- Elected Members Remuneration.
- The outcome of any extraordinary vacancies on Council.
- Any other matters for which a local authority decision is required under the Local Electoral Act 2001.
- All matters identified in these Terms of Reference as delegated to Council Committees (or otherwise delegated by the Council) and oversee those delegations.
- Council's delegations to officers and community boards.

### **Delegations and employment of the Chief Executive**

The review and negotiation of the contract, performance agreement and remuneration of the Chief Executive.

### **Meetings and committees**

- Standing Orders for Council and its committees.
- Council's annual meeting schedule.

### **Operational matters**

- The establishment and disposal of any Council Controlled Organisation or Council Controlled Trading Organisation and approval of annual Statements of Corporate Intent on the recommendation of the Finance and Performance Committee.
- Civil Defence Emergency Management Group matters requiring Council's input.
- Road closing and road stopping matters.
- All other matters for which final authority is not delegated.

### **Appoint:**

- The non-elected members of the Standing Committees (including extraordinary vacancies of non-elected representatives).
- The Directors of Council Controlled Organisations and Council Controlled Trading Organisations.
- Council's nominee on any Trust.
- Council representatives on any outside organisations (where applicable and time permits, recommendations for the appointment may be sought from the appropriate standing committee and/or outside organisations).
- The Chief Executive of Hutt City Council.
- Council's Electoral Officer, Principal Rural Fire Officer and any other appointments required by statute.

## POLICY AND REGULATORY COMMITTEE

<b>Membership:</b>	<b>11</b>
<b>Meeting Cycle:</b>	<b>Meets on a six weekly basis, as required or at the requisition of the Chair</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Membership Hearings:</b>	<b>Minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers. The inclusion of an independent Commissioner as the rule rather than the exception</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE:

- To assist the Council monitor the development of strategies and policy that meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- To consider matters relating to the regulatory and quasi-judicial responsibilities of the Council under legislation. This includes, without limitation, matters under the RMA including the hearing of resource management applications.

### Determine:

- Maintain an overview of work programmes carried out by the Council's Environmental Consents, Regulatory Services and strategy and policy development activities.
- Draft policies for public consultation, excluding those that will subsequently be required to follow a statutory process
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility
- Hearing and deciding notified resource consent applications.
- Hearing and deciding objections to conditions imposed on resource consents
- Hearing and deciding any matter notified under the Local Government Act 2002
- Hearing and deciding objections to the classification of dangerous dogs under section 31 of the Dog Control Act 1996 and abatement notices regarding barking dogs under section 55 of that Act
- Hearing and deciding objections to the classification of dogs as menacing dogs under sections 33A and 33C of the Dog Control Act 1996
- Hearing objections to specified traffic matters where the community board wishes to take an advocacy role
- Exercising the power of waiver under section 42A (4) of the Resource Management Act of the requirement to provide parties with copies of written reports prior to hearings
- Authorising the submission of appeals to the Environment Court on behalf of Council

- To appoint a subcommittee of suitably qualified persons to conduct hearings on behalf of the Committee. The Chair of the Policy and Regulatory Committee is also delegated this function.
- All statutory requirements under the Reserves Act 1977 that require the Department of Conservation to ratify.

### **Conduct of Hearings:**

- To conduct hearings where these are required as part of a statutory process<sup>2</sup>.
- Hearing of submissions required on any matters falling under the Terms of Reference for this committee or delegating to a panel to undertake hearings (this delegation is also held by the Chair of the Policy and Regulatory Committee).

### **General:**

Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.

### **NOTE:**

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

- 1 Hearings commissioners are kept abreast of developments in the legislation.
- 2 Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
- 3 The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

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<sup>2</sup> When acting in this capacity the committee has a quasi-judicial role.

## CITY DEVELOPMENT COMMITTEE

<b>Membership:</b>	<b>11</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Meeting Cycle:</b>	<b>Meets on a six weekly basis, as required or at the requisition of the Chair</b>
<b>Reports to:</b>	<b>Council</b>

### **PURPOSE:**

To monitor Council's performance in promoting the on-going growth, redevelopment and improvement of the City, oversee the delivery of projects which contribute to these outcomes and to monitor the delivery of the regulatory and operational services in accordance with goals and objectives set by Council and ensure compliance with relevant legislation.

### **Determine and where relevant monitor:**

The framework and timetable for relevant work programmes contained in Council's policies, vision statements and strategies to ensure objectives are being met, including:

- The monitoring of key City Development Projects.
- Progress towards achievement of the Council's economic outcomes as outlined in the Economic Development Strategy.
- To consider the monitoring and review the outcomes from the major events programme.
- Oversight of the Advisory Group for economic development and city events.
- Temporary road closures and stopping associated with events.
- Naming new roads and alterations to street names (Central, Eastern, Western and Northern Wards only).
- The effective implementation of Council policies through monitoring the achievement of stated objectives.
- Exercise of Council's statutory and regulatory responsibilities and compliance with relevant legislation.
- Roading issues considered by the Mayor and Chief Executive to be strategic due to their significance on a city-wide basis, including links to the State Highway, or where their effects cross ward or community boundaries.
- Public art funding in accordance with the Public Art Policy (currently in development).
- Matters arising from issues raised relating to climate change.

### **Review and make recommendations to Council on:**

- Plans that promote for the on-going growth, redevelopment and improvement of Hutt City
- Operational and capital projects to promote city development including associated issues such as scope, funding, prioritising and timing of projects.

- Changes to aspects of the LTP arising from issues raised before the committee in the course of its deliberations.
- Operational contracts, agreements, grants and funding for city and economic development purposes.
- Civil Defence Emergency Management Group Plan matters as required.

**General:**

- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility.

**Conduct:**

Hearing of submissions required on any matters falling under the Terms of Reference for this committee.

**Note:**

This does not include hearing objections to conditions imposed on resource consents which will be heard by the Council's Policy and Regulatory Committee.



## FINANCE AND PERFORMANCE COMMITTEE

<b>Membership:</b>	<b>10</b>
<b>Meeting Cycle:</b>	<b>Meets on a six weekly basis, as required or at the requisition of the Chair</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Reports to:</b>	<b>Council</b>

### **PURPOSE**

To assist the Council execute its financial and performance monitoring obligations and associated risk, control and governance frameworks and processes.

#### **Determine and monitor:**

- Maintain an overview of work programmes carried out by the Council's organisational activities (excluding strategy and policy development).
- Progress towards achievement of the Council's objectives as set out in the LTP and Annual Plans.
- Revenue and expenditure targets of key City Development Projects.
- The effectiveness of the internal audit, risk management and internal control processes and programmes for the Council for each financial year.
- The integrity of reported performance information, both financial and non-financial information at the completion of Council's Annual Report and external accountability reporting requirements.
- Oversight of external auditor engagement and outputs.
- Compliance with Council's Treasury Risk Management Policy,
- Requests for rates remissions.
- Approval of overseas travel for both elected members and officers.
- Requests for loan guarantees from qualifying community organisations where the applications are within the approved guidelines and policy limits.

#### **Consider and make recommendations to Council:**

- The adoption of the budgetary parameters for the LTP and Annual Plans.
- The approval of The Statements of Intent for Council Controlled Organisations, and Council Controlled Trading Organisations, and monitoring progress against the Statements of Intent.
- The adoption of the Council's Annual Report.

#### **General:**

- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility.

## COMMUNITY SERVICES COMMITTEE

<b>Membership:</b>	<b>9</b>
<b>Meeting Cycle:</b>	<b>Meets on a six weekly basis, as required or at the requisition of the Chair</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Reports to:</b>	<b>Council</b>

### **PURPOSE**

To assist the Council with the development of community services which contribute to the character, culture, and identity of the city and to pursue an active community development role in active partnership with local communities.

#### **Determine and monitor:**

- To approve and/or monitor where required the allocation of grants to the following areas:
  - Community Development Fund.
  - Community Houses/Centres Fund.
  - Community Engagement Fund (Central, Eastern, Western and Northern Wards only).
- Key Community Projects.
- Progress towards achievement of the Council's Environmental Sustainability Strategy.
- Advocacy in conjunction with Healthy Families Lower Hutt to maintain and to improve health services, and to comment on issues to do with health that impinges upon the well-being of communities.
- Progress towards strategies, policies and visions that provide for social and cultural wellbeing of the City including but not limited to, Safe City and Liquor Bans.
- Official naming of parks, reserves and sports grounds within the provisions of Council's Naming Policy<sup>3</sup> (Central, Eastern, Western and Northern Wards only).
- Parks, reserves and sports ground naming for sites that have a high profile, city-wide importance due to their size and location and/or cross ward or community boundaries.
- The granting of leases and licences in terms of Council policy to voluntary organisations for Council owned properties in their local area, for example, halls, including the granting of leases and licences to community houses and centres (Central, Eastern, Western and Northern Wards only).
- Removal and/or planting of street trees within the provisions of Council's Operational Guide for Urban Forest Plan<sup>4</sup> (Central, Eastern, Western and Northern Wards only).
- The granting of rights-of-way and other easements over local purpose reserves and granting of leases or licences on local purpose reserves (Central, Eastern, Western and Northern Wards only).
- The granting of leases and licences for new activities in terms of Council policy to community and commercial organisations over recreation reserves subject to the provisions of the Reserves Act

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<sup>3</sup> This excludes sites that are considered high profile, significant on a city-wide basis due to their size and location, or where the site crosses ward or community boundaries.

<sup>4</sup> The Operational Guide for Urban Forest Plan is available from Council's Parks and Gardens Division.

1977 and land managed as reserve subject to the provisions of the Local Government 2002, in their local area. (Central, Eastern, Western and Northern Wards only).

- Matters arising from the activities of Community Houses.
- Maintain an overview of work programmes carried out by the Council's Libraries, Museums, Aquatics and Recreation, Parks and Reserves, Community Safety and Connections and Emergency Management activities.

**Consider and make recommendations to Council:**

Matters arising from Council for consideration by the Committee to report back.

**General:**

- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility.

## CIVIC HONOURS COMMITTEE

Membership:	11 The Mayor 6 Councillors (on representing each ward) 4 Community representatives
Alternate:	6 Councillors (on representing each ward)
Meeting Cycle:	Annually
Reports to:	Council

### PURPOSE

Civic Honours selection.

**Determine and monitor:**

The selection of the recipients of the annual Civic Honours awards.

## DISTRICT PLAN COMMITTEE

<b>Membership:</b>	6 elected members <b>Chair: RMA Certified (RMA hearing commissioner under Making Good Decisions programme)</b> <b>Minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.</b> <b>The inclusion of independent Commissioners in hearing subcommittees or hearing panels as appropriate</b>
<b>Quorum:</b>	3
<b>Meeting Cycle:</b>	Meets on a six weekly basis, as required or at the requisition of the Chair
<b>Reports to:</b>	Council

### **PURPOSE**

To monitor the effectiveness of the City of Lower Hutt District Plan as a strategic policy and operational document for the district and facilitate consideration of Plan Changes.  
 To consider matters relating to quasi-judicial responsibilities of the Council under legislation. This includes matters under the RMA including district plan hearings.

### **Recommend**

- Recommend to Council District Plan changes and District Plan variations for Council approval prior to notification.
- Recommend to Council private District Plan Change requests for Council to Accept, Adopt or Reject.
- Recommend to the relevant Requiring Authority decisions on all matters concerning Designations and Notices of Requirements in accordance with Part 8 of the Resource Management Act 1991.
- Recommend to Council for final approval, to make operative, District Plan and District Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).

### **Determine**

- Determine all other matters (including decisions requested by submitters) concerning the District Plan and District Plan changes (in accordance with Schedule 1 of the Resource Management Act 1991)."
- Exercise the power of waiver of the requirement to provide parties with copies of written reports prior to hearings (under Section 42A (4) of the Resource Management Act 1991).
- Appoint a subcommittee or hearing panel of suitably qualified person(s) to conduct statutory hearings on behalf of the Committee. The Chair of the District Plan Committee is also delegated this function.

### **General**

- Set the District Plan Work Programme and monitor its implementation.
- Develop and review appropriate strategies and policies in relation to the District Plan.

- Approve and forward submissions to other authorities on matters relevant to the Committee's area of responsibility.
- Monitor the effectiveness of the District Plan and consider issues raised with the committee.

**NOTE:**

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Making Good Decisions RMA training that MfE runs (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

- 1 Hearings commissioners are kept abreast of developments in the legislation.
- 2 Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
- 3 The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

## COMMUNITY PLAN COMMITTEE

(Committee of Council as a whole)

<b>Membership:</b>	<b>13</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Meeting Cycle:</b>	<b>Meets as required during LTP and Annual Plan processes</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

To carry out all necessary consideration and hearings, precedent to the Council's final adoption of Long Term Plans (LTP) and Annual Plans (AP).

#### **Receive and consider:**

Submissions with regard to the Hutt City Council's Assessment of Water and Sanitary Services.

#### **Determine:**

- The development of a framework and timetable for the LTP and AP processes.
- Appropriate public consultation and statements to the media.
- Such other matters as the Committee considers appropriate.
- The hearing of all public submissions.

#### **Consider and make recommendations to Council:**

- Rating levels and policies required as part of the LTP.
- The Council's Proposed Draft Long Term Plan and final LTP.
- The Council's Annual Plan.
- Final content and wording, and adoption of the final Hutt City Council Assessment of Water and Sanitary Services.

**(ATTACHMENT TO COMMUNITY PLAN COMMITTEE TERMS OF REFERENCE)**

Extract from the Controller and Auditor General's October 2010 Good Practice Guide:  
Guidance for members of local authorities about the Local Authorities (Members' Interests)  
Act 1968

**Appointment as the local authority's representative on another organisation**

- 5.47 You may have been appointed as the authority's representative on the governing body of a council-controlled organisation or another body (for example, a community-based trust).
- 5.48 That role will not usually prevent you from participating in authority matters concerning the other organisation – especially if the role gives you specialised knowledge that it would be valuable to contribute.
- 5.49 However, you could create legal risks to the decision if your participation in that decision raises a conflict between your duty as a member of the local authority and any duty to act in the interests of the other organisation. These situations are not clear cut and will often require careful consideration and specific legal advice.
- 5.50 Similarly, if your involvement with the other organisation raises a risk of predetermination, the legal risks to the decision of the authority as a result of your participation may be higher, for example, if the other organisation has made a formal submission to the authority as part of a public submissions process.



## TEMPORARY ROAD CLOSURES SUBCOMMITTEE

<b>Membership:</b>	5
<b>Quorum:</b>	3
<b>Meeting Cycle:</b>	As required.
<b>Parent Body:</b>	The Temporary Road Closures Subcommittee will report to the City Development Committee

### PURPOSE

The Temporary Road Closures Subcommittee has primary responsibility for approving temporary road closures.

#### **The Temporary Road Closures Subcommittee will have authority to:**

- 1.0 Make decisions under Clause 11(e) of the Tenth Schedule of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965.
  - 1.1 Determine the procedure to be adopted by the Subcommittee when making a decision in 1.0 above.
  - 1.2 Make decisions on any other ancillary matter related to 1.0 above including without limitation approval of temporary “No Stopping” restrictions under Hutt City Council Traffic Bylaw 2007.

#### **Delegated Authority:**

The Temporary Road Closures Subcommittee will have delegated authority to carry out activities within its terms of reference.

## DISTRICT LICENSING COMMITTEE

Membership:	7
Quorum:	3 ( <b>opposed licence or manager's certificate applications</b> ) 1 Chair ( <b>unopposed licence or manager's certificate applications</b> )
Meeting Cycle:	As required.
Reports to:	Council

### PURPOSE

The functions of the District Licensing Committee are specified under the Sale and Supply of Alcohol Act 2012 and are:

- (a) To consider and determine applications for licences and manager's certificates; and
- (b) To consider and determine applications for renewal of licences and manager's certificates; and
- (c) To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136; and
- (d) To consider and determine applications for the variation, suspension, or cancellation of special licences; and
- (e) To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280; and
- (f) With the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and
- (g) To conduct inquiries and to make reports as may be required of it by the licensing authority under section 175; and
- (h) Any other functions conferred on licensing committees by or under this Act or any other enactment.

### Determine

The District Licensing Committee has all the powers conferred on it by or under this Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

### Develop, review and make recommendations to Council on:

- Trends / issues identified by the Committee from the administration of the Sale and Supply of Alcohol Act 2012.
- The annual report required to be produced by Council under Section 199 of the Sale and Supply of Alcohol Act 2012.

### Conduct:

- An application that is not opposed by any of the reporting agencies (Police, medical officer of health or licensing inspector) may be dealt with by the chair "on the papers". A meeting is not required in this case.
- Where a meeting of the Committee is required, a quorum of three is required. Those persons must be from the list required to be adopted by Council under section 192 of the Sale and Supply of Alcohol Act 2012. The Mayor and Deputy Mayor are not ex-officio members in the

case of the District Licensing Committee. The Mayor and Deputy Mayor can be members of the Committee if they qualify under Section 192 of the Act.

- The Council can appoint as many commissioners and members to its list that it requires. The Chair of the Policy and Regulatory Committee will appoint three people from the list to specific meetings (Chair and two members).
- The provisions of the Local Government Official Information and Meetings Act 1987, other than Part 7, apply to every licensing committee.
- Subject to the provisions of this Act and of any regulations made under this Act, the authority or committee may regulate its procedure in such manner as it thinks fit (refer Section 203(9) of the Sale and Supply of Alcohol Act 2012).

**General:**

Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.

## TRAFFIC SUBCOMMITTEE

<b>Membership:</b>	<b>One Councillor from each Ward</b>
<b>Alternates:</b>	<b>One Councillor from each Ward</b>
<b>Quorum:</b>	<b>3</b>
<b>Meeting Cycle:</b>	<b>The Traffic Subcommittee will meet on a six weekly basis.</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

The Traffic Subcommittee has primary responsibility for considering and making recommendations to Council on traffic matters and consider any traffic matters referred to it by Council.

For the avoidance of doubt, "traffic" includes parking and excludes temporary road closures under clause 11(e) of the Tenth Schedule of the LGA 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965.

### TERMS OF REFERENCE:

The Traffic Subcommittee will have authority to:

- 1.0 Do all things necessary to hear, consider and make recommendations to Council on any traffic related matter.
- 1.1 Regulate its own processes and proceedings to achieve its purpose and objective.
- 1.2 Provide options for the consideration of Council.

The Chair will have authority to:

- 1.3 Refer any traffic matter to:
  - 1.3.1 A Community Board; or
  - 1.3.2 The Policy and Regulatory Committee; or
  - 1.3.3 Council.

### DELEGATED AUTHORITY:

The Traffic Subcommittee will have delegated authority to carry out activities within its terms of reference.

## CHIEF EXECUTIVE'S EMPLOYMENT SUBCOMMITTEE

Membership:	4
Quorum:	2
Meeting Cycle:	Three times per annum or as required
Reports to:	Council

### ***PURPOSE***

The Chief Executive's Employment Subcommittee has primary responsibility for executing the Chief Executive's performance agreement and monitoring the Chief Executive's performance. The Subcommittee also has the responsibility, if required, of conducting a Chief Executive recruitment process.

### **Review and make recommendations to Council on:**

- Setting the employment terms and conditions of the Chief Executive.
- Determining the remuneration of the Chief Executive.
- Managing the Council's working relationship with the Chief Executive which includes:
  - the setting of the performance targets and expectations, and to measure the Chief Executive's performance against those targets and expectations.
- A recruitment and selection process for a Chief Executive.
- Oversee any recruitment and selection process agreed to by the Council for a Chief Executive.

### **Delegated Authority**

The Subcommittee shall have delegated authority to make recommendations to the Council.

## ARTS AND CULTURE SUBCOMMITTEE

<b>Membership:</b>	9 (to include 4 elected members and 2 iwi representatives (1 representative from the Community Arts and Culture Advisory Group and 1 representative with public art expertise), 1 representative from E Tu, 1 representative from the Public Art Advisory Group and 1 representative from the Community Arts and Culture Advisory Group To be chaired by a Councillor.
<b>Quorum:</b>	3
<b>Meeting Cycle:</b>	Meets on a quarterly basis, as required or at the requisition of the Chair
<b>Reports to:</b>	Community Services Committee

### **PURPOSE**

To advise Council regarding a strategic direction for community arts and culture in Hutt City that aligns with the principles of Council's Arts and Culture Policy 2016-2021.

#### **Determine and monitor:**

- To ensure that outcomes outlined in the Council's Arts and Culture Policy 2016-2021 are achieved
- To ensure the strategic direction for arts and culture supports tangata whenua and Lower Hutt's many diverse communities.
- To receive reports on grants in the following area: Community Arts and Culture Fund.
- To monitor fulfilment of Council's obligations towards Creative Communities funding.
- To foster communication between Council and the Lower Hutt arts sector

#### **Consider and make recommendations to Council on:**

- Developments that support Council in achieving an increased focus on arts and culture in the city
- Opportunities to strengthen the arts sector.

#### **General:**

Approval and forwarding of submissions on matters to other consent authorities on matters relevant to the Subcommittee's area of responsibility.

#### **Delegated Authority:**

The Arts and Culture Subcommittee will have delegated authority to carry out activities within its terms of reference.

## CODE OF CONDUCT COMMITTEE

<b>Membership:</b>	<b>4 - The Mayor (or delegate) and 3 Community Members</b>
<b>Quorum:</b>	<b>2</b>
<b>Meeting Cycle:</b>	<b>Meets as required</b>
<b>Reports to:</b>	<b>Council</b>

### **PURPOSE**

To carry out all necessary consideration and hearings and make decisions on material breaches of the Code of Conduct (the **Code**).

#### **Receive and consider:**

Reports from the Chief Executive, including the investigators report and any submissions from affected parties.

#### **Determine:**

On receipt of the Chief Executive's report, the Committee will:

- In considering a report from the Chief Executive, the Committee may, if necessary, ask the investigator to provide a briefing on his or her findings and invite the complainant and/or respondent to speak to any submissions that might have been made.
- On consideration of the evidence, the Committee will decide whether a material breach of the Code has occurred and what, if any, penalty or action should occur in response to the breach.
- The Committee will inform the respondent and complainant of its decision in writing.

#### **Other matters**

No member of the Council with an interest in the complaint may take part in the hearing or decision-making process, unless invited by the Council or Committee to speak to their submission. This includes the Mayor. Where the Mayor determines he or she has an interest, the Committee will be comprised solely of non-Council members.

#### **Decision making**

Decisions of the Committee are final and binding on members.

## HUTT VALLEY SERVICES COMMITTEE

### (Special Committee of Council)

A joint committee of the Hutt City Council and the Upper Hutt City Council

**Membership:** 4 elected members appointed by the Hutt City Council and 4 elected members appointed by the Upper Hutt City Council plus one alternate appointed by each Council

Chair to alternate between the two Councils with Hutt City Council appointing the Chair in odd numbered years and the change taking place at the final meeting of each year

**Quorum:** Half of the members

**Meeting Cycle:** Meets quarterly or as required

**Reports to:** Council

### PURPOSE

To facilitate coordination and decision-making on combined council services in the Hutt Valley.

#### Consider and make recommendations to the two Councils on:

- The co-ordination of activities of the Hutt City Council and the Upper Hutt City Council in respect of matters affecting the Hutt Valley as a whole.
- In particular, the co-ordination of the sewage disposal scheme, the Silverstream refuse landfill, Akatarawa Cemetery, dog control, environmental health and combined cemetery services for the Hutt Valley.
- Any other activities common to both Councils that could be co-ordinated.