

HUTT CITY COUNCILPOLICY AND REGULATORY COMMITTEE

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

Monday 27 February 2017 commencing at 5.30pm

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PRESENT:

Cr MJ Cousins (Chair)	Cr L Bridson
Deputy Mayor D Bassett	Cr C Barry
Cr J Briggs	Cr S Edwards
Cr T Lewis (until 7.35pm)	Cr M Lulich
Cr L Sutton	

APOLOGIES:

Apologies received from Mayor Wallace and Cr Milne. An apology for early departure was received from Cr Lewis.

IN ATTENDANCE:

Mr T Stallinger, Chief Executive  
 Ms K Kelly, General Manager, Strategic Services  
 Ms J Raffills, General Manager, Governance and Regulatory (part meeting)  
 Mr M Reid, General Manager, Community Services (part meeting)  
 Mr A Cumming, Divisional Manager, Environmental Policy (part meeting)  
 Mr B Hodgins, Divisional Manager, Parks and Gardens (part meeting)  
 Mr G Stuart, Divisional Manager, Regulatory Services (part meeting)  
 Ms W Moore, Divisional Manager, Strategy and Planning (part meeting)  
 Mr B Cato, Solicitor  
 Mr G Sewell, Principal Policy Advisor  
 Ms S Simcox, Communications and Marketing Team Leader (part meeting)  
 Ms A Wallace, Senior Communications and Marketing Advisor  
 Mr G Breese, Policy Advisor (part meeting)  
 Ms A Wajers, Contractor Policy (part meeting)  
 Ms S Haniel, Committee Advisor

PUBLIC BUSINESS1. APOLOGIES

RESOLVED: (Cr Cousins/Deputy Mayor Bassett) **Minute No. PRC 17101**

*"That the apologies received from Mayor Wallace and Cr Milne, and the apology received from Cr Lewis for early departure be accepted and leave of absence be granted."*

2. PUBLIC COMMENT

Comments are recorded under the item to which they relate.

3. CONFLICT OF INTEREST DECLARATIONS

Crs Cousins and Bridson declared a conflict of interest in item 4 c), Local Alcohol Policy: Proposed amendment, and took no part in discussion or voting on the matter.

4. RECOMMENDATIONS TO COUNCIL - 14 March 2017

a) **Wellington Region Natural Hazards Management Strategy (17/35)**

Report No PRC2017/1/29 by the Divisional Manager Environmental Policy

The Divisional Manager, Environmental Policy elaborated on the report.

Dr Iain Dawe, Senior Policy Advisor (Hazards), Greater Wellington Regional Council (GWRC), gave a presentation on the Wellington Region Natural Hazards Management Strategy (the Strategy).

In response to questions from members, Dr Dawe said that GWRC had not contacted affected property owners. He noted that communication teams would be involved in the process of informing the public about the Strategy.

The Chair requested that Council's Environmental Advisory Group be given information on the Strategy.

**RESOLVED:** (Cr Cousins/Deputy Mayor Bassett) **Minute No. PRC 17102**

*"That the Committee:*

- (i) receives the report; and*
- (ii) notes that the implementation of the Wellington Region Natural Hazards Management Strategy will require, from all participating councils, ongoing political leadership and support as well as officer participation."*

**RECOMMENDED:**

**Minute No. PRC 17103**

(Cr Cousins/Deputy Mayor Bassett)

*"That the Committee recommends that Council endorses the Wellington Region Natural Hazards Management Strategy, attached as Appendix 1 to the report."*

b) **Regional Sport and Recreation Plan for the Wellington Region (17/88)**

Report No. PRC2017/1/48 by the General Manager Community Services

Speaking under public comment, **Mr P Gibbons, representing Sport Wellington**, said that the Wellington Sport and Active Recreation Strategy was requesting nine Councils to work together in a collaborative way to gain efficiencies in sport and recreation assets.

In response to a question from a member, Mr Gibbons said that he could provide members with data on how many Hutt City people had been consulted.

Speaking under public comment, **Ms N Sherriff, representing Sport Wellington**, said that demand for sport and recreation facilities was changing, there were inefficiencies in the use of facilities across the region and co-ordination was required.

The General Manager Community Services elaborated on the report.

**RESOLVED:** (Deputy Mayor Bassett/Cr Sutton) **Minute No. PRC 17104**

*"That the Committee notes that officers are already proactively working with regional colleagues regarding a regional mountain biking plan."*

**RECOMMENDED:**

**Minute No. PRC 17105**

(Deputy Mayor Bassett/Cr Sutton)

*"That the Committee recommends that Council:*

- (i) endorses the 'Wellington Sport and Active Recreation Strategy', attached as Appendix 1 to the report;*
- (ii) agrees that all future significant Council decisions relating to Sport and Active Recreation should be done in the context of the new regional strategy; and*
- (iii) appoints Cr Edwards as its political champion for the 'Regional Sport and Recreation Strategy for the Wellington Region'."*

**PRECEDENCE OF BUSINESS**

**RESOLVED:** (Cr Cousins / Deputy Mayor Bassett) **Minute No. PRC 17106**

*"That in terms of Standing Order 10.4, precedence be accorded to item 6 dealing with the General Manager's Report, Governance and Regulatory, and that all items be accorded precedence over item 4 c) dealing with the Local Alcohol Policy: Proposed amendment."*

The items are recorded in the order in which they were listed on the order paper.

c) **Local Alcohol Policy: Proposed amendment (16/1338)**

Report No. PRC2017/1/58 by the Principal Policy Advisor

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

Crs Cousins and Bridson left the meeting for the duration of the item.

Cr Edwards assumed the Chair.

Ms A Boston, Public Health Advisor, Regional Public Health, said that she was the key author of the report "Alcohol in Health and Crime - A Briefing Paper to Hutt City Council," which contained an analysis of Police and Health statistics.

Dr S Palmer, Medical Officer Of Health, Regional Public Health, said that Council needed to negotiate with key stakeholders, including supermarkets, on a mutually agreeable solution for the amended Local Alcohol Policy (LAP).

The Principal Policy Advisor and the Solicitor elaborated on the report.

MOVED: (Cr Edwards/Deputy Mayor Bassett)

That the Committee recommends that Council:

- (i) notes the evidence presented from the Medical Officer of Health and Police, attached as Appendix 2 to the report;
- (ii) notes that Council's Licensing Inspectors have also been consulted as required by section 78(4) of the Sale and Supply of Alcohol Act 2012 (the Act);
- (iii) notes the other evidence presented to the Council as part of the process to produce a draft amendment to the current Local Alcohol Policy (LAP), as attached as Appendix 1 to the report;
- (iv) has regard to the mandatory criteria contained in section 78(2) of the Act;
- (v) based on the information provided and the consideration of the mandatory criteria, agrees to produce a draft LAP amendment that adds the following words to clause 1.2 of the LAP:
  - a. the maximum number of off-licences permitted in the following areas:  
  
Naenae; Stokes Valley; Taita; Avalon; Hutt Central; Wainuiomata;
  - b. shall be the number of off-licenses in the area, at the time this

- policy is adopted, and
- c. the areas are outlined on the map, as attached as Appendix 5 to the report;
- (vi) notes that, during consultation, Council's Licensing Inspectors raised two types of on-licence that are not dealt with by the current LAP;
- (vii) agrees to produce a draft LAP amendment that adds the following words to clause 1.1 of the LAP:
- a. add the words "Function Centres" to both sections dealing with Taverns/Hotels/Nightclubs;
- b. add the words:
- Cinemas:
- 7.00am- 3.00am the following day, Monday to Sunday;
- Licensed on the condition that their on-licenses are linked to the business activity of a cinema; and
- (viii) appoints a subcommittee of two councillors and one independent expert to hear submissions, conduct the process required under the Act and make recommendations to Council on the production of a provisional LAP;
- (ix) directs officers to instruct a suitable independent expert to Chair the subcommittee;
- (x) appoints Councillor Milne and Councillor Edwards to the subcommittee; and
- (xi) asks that the subcommittee also consider, if it believes it can lawfully do so, whether there is any evidence to support caps on the number of off-licences:
- a. only applying to stand-alone bottle stores; or
- b. excluding supermarkets; and/or
- c. excluding premises operating as a brewery offering complimentary samples; and/or
- d. excluding boutique shops selling only craft beer and imported wine.

AMENDMENT MOVED: (Cr Barry/Cr Briggs)

Amend part (viii) and part (x) above to read as follows:

- (viii) appoints a subcommittee consisting of the Policy and Regulatory

Committee members, (Councillors Edwards, Barry, Lewis, Milne, Briggs, Lulich, Sutton and Deputy Mayor Bassett), and one independent expert to hear submissions, conduct the process required under the Act and make recommendations to Council on the production of a provisional Local Alcohol Policy; and

- (x) notes that two members of the Policy and Regulatory Committee, Councillors Cousins and Bridson have declared a conflict of interest in the matter.

The amendment was declared CARRIED on the voices.

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

**Minute No. PRC 17107**

*“That the Committee:*

- (i) *appoints a subcommittee consisting of the Policy and Regulatory Committee, members (Councillors Edwards, Barry, Lewis, Milne, Briggs, Lulich, Sutton and Deputy Mayor Bassett), and one independent expert to hear submissions, conduct the process required under the Act and make recommendations to Council on the production of a provisional Local Alcohol Policy;*
- (ii) *directs officers to instruct a suitable independent expert to Chair the subcommittee; and*
- (iii) *notes that two members of the Policy and Regulatory Committee, Councillors Cousins and Bridson have declared a conflict of interest in the matter.”*

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

**Minute No. PRC 17108**

*“That the Committee recommends that Council:*

- (i) *notes the evidence presented from the Medical Officer of Health and Police, attached as Appendix 2 to the report;*
- (ii) *notes that Council’s Licensing Inspectors have also been consulted as required by section 78(4) of the Sale and Supply of Alcohol Act 2012 (the Act);*
- (iii) *notes the other evidence presented to the Council as part of the process to produce a draft amendment to the current Local Alcohol Policy (LAP), as attached as Appendix 1 to the report;*
- (iv) *has regard to the mandatory criteria contained in section 78(2) of the Act;*
- (v) *based on the information provided and the consideration of the mandatory criteria, agrees to produce a draft LAP amendment that adds the following words to clause 1.2 of the LAP:*
  - a. *the maximum number of off-licences permitted in the following areas:*  
*Naenae; Stokes Valley; Taita; Avalon; Hutt Central; Wainuiomata;*
  - b. *shall be the number of off-licenses in the area, at the time this policy is*

	<p><i>adopted, and</i></p> <p><i>c. the areas are outlined on the map, as attached as Appendix 5 to the report;</i></p> <p><i>(vi) notes that, during consultation, Council’s Licensing Inspectors raised two types of on-licence that are not dealt with by the current LAP;</i></p> <p><i>(vii) agrees to produce a draft LAP amendment that adds the following words to clause 1.1 of the LAP:</i></p> <p><i>a. add the words “Function Centres” to both sections dealing with Taverns/Hotels/Nightclubs;</i></p> <p><i>b. add the words:</i></p> <p><i>Cinemas:</i></p> <p><i>7.00am- 3.00am the following day, Monday to Sunday;</i></p> <p><i>Licensed on the condition that their on-licenses are linked to the business activity of a cinema; and</i></p> <p><i>(viii) asks that the subcommittee also consider, if it believes it can lawfully do so, whether there is any evidence to support caps on the number of off-licences:</i></p> <p><i>a. only applying to stand-alone bottle stores; or</i></p> <p><i>b. excluding supermarkets; and/or</i></p> <p><i>c. excluding premises operating as a brewery offering complimentary samples; and/or</i></p> <p><i>d. excluding boutique shops selling only craft beer and imported wine.”</i></p>
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**d) Triennial Agreement (17/148)**

Report No. PRC2017/1/47 by the General Manager, Governance and Regulatory

The General Manager Governance and Regulatory elaborated on the report.

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

**Minute No. PRC 17109**

*“That the Committee notes the draft agreement referred to in the report.”*

**RECOMMENDED:** (Cr Cousins/Cr Lewis) **Minute No. PRC 17110**

*"That the Committee recommends that Council:*

- (i) approves entry into the Triennial Agreement (a draft of which is attached as Appendix 1 to the report); and*
- (ii) authorises the Chief Executive to undertake any further negotiations to finalise the agreement and authorises the Mayor to execute the agreement on the Council's behalf."*

**e) Local Governance Statement (17/63)**

Report No. PRC2017/1/49 by the Divisional Manager, Secretariat Services

The General Manager Governance and Regulatory elaborated on the report.

**RESOLVED:** (Cr Barry/Deputy Mayor Bassett) **Minute No. PRC 17111**

*"That the Committee notes that under the Local Government Act 2002, all local authorities are required to prepare and make publicly available within six months of a triennial general election a Local Governance Statement."*

**RECOMMENDED:** (Cr Barry/Deputy Mayor Bassett) **Minute No. PRC 17112**

*"That the Committee recommends that Council:*

- (i) agrees that the Council's current Local Governance Statement, amended to bring it up-to-date, attached as Appendix 1 to the report, be made publicly available; and*
- (ii) authorises the Chief Executive to make modifications to the document during the course of this triennium, which reflect any changes to Council policies, practices or structures."*

**f) Future of Bell Park (17/9)**

Report No. PRC2017/1/50 by the Divisional Manager, Parks and Gardens

Speaking under public comment, **Mrs Hill** said that she was opposed to the sale of part of Bell Park. She added that the SolaPower Throwing Academy could move to Bell Park. She further added that its current site in Moera was unsafe because it did not comply with the District Plan, parking was unsafe and the pedestrian crossing did not meet the

guidelines for pedestrian crossings.

MOVED: (Cr Cousins/Cr Lewis)

That the Committee recommends that Council:

- (i) notes that historically Bell Park has been managed as a formal sports park but has not been used for this purpose for two seasons and will not be required for such use in the future;
- (ii) notes that an independent assessment of reserve values has been undertaken which considers Bell Park has a medium rating, contributing to the local and wider reserve network;
- (iii) agrees to undertake public consultation on a proposal to revoke the reserve status of approximately 1 ha of Bell Park and make the land available for housing, for the following reasons;
  - (a) the park is no longer required as a formal sports ground, serving the wider Lower Hutt community;
  - (b) a smaller area of land is required for the purposes of providing a neighbourhood reserve in this suburb than currently exists;
  - (c) there will be an opportunity to improve visibility to the neighbourhood reserve and thereby improved public safety once that part of the Park not required is sold and developed;
  - (d) the proceeds of the sale of that part of the Park not required for the neighbourhood reserve, will enable other Council reserve development priorities to be undertaken, such as those identified in the Valley Floor Review implementation plan; and
- (iv) agrees to develop a communications strategy to give the affected property owners opportunities to make submissions on Bell Park and its uses.

AMENDMENT MOVED: (Cr Barry/Cr Sutton)

That the Committee recommends that Council:

- (i) notes that historically Bell Park has been managed as a formal sports park but has not been used for this purpose for two seasons and will not be required for such use in the future;
- (ii) notes that an independent assessment of reserve values has been undertaken which considers Bell Park has a medium rating, contributing to the local and wider reserve network;
- (iii) requests officers to undertake consultation with the community about the future of Bell Park; and
- (iv) requests officers to report back to Council with options after consultation.

The amendment was declared CARRIED on the voices.

**RECOMMENDED:** (Cr Barry/Cr Sutton) **Minute No. PRC 17113**

*"That the Committee recommends that Council:*

- (i) notes that historically Bell Park has been managed as a formal sports park but has not been used for this purpose for two seasons and will not be required for such use in the future;*
- (ii) notes that an independent assessment of reserve values has been undertaken which considers Bell Park has a medium rating, contributing to the local and wider reserve network;*
- (iii) requests officers to undertake consultation with the community about the future of Bell Park; and*
- (iv) requests officers to report back to Council with options after consultation."*

**g) Training Policy for Community Boards and Community Committees (16/1207)**

Report No. PRC2017/1/51 by the Divisional Manager, Strategy and Planning

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

**RECOMMENDED:** (Cr Cousins/Cr Briggs) **Minute No. PRC 17114**

*"That the Committee recommends that Council approves the revised Training Policy for Community Boards and Community Committees (should Community Committees be established), attached as Appendix 1 to the report."*

**h) Accessibility and Inclusiveness Plan 2017-2027 (17/138)**

Report No. PRC2017/1/52 by the Divisional Manager, Strategy and Planning

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

**RECOMMENDED:** (Cr Lewis/Cr Lulich) **Minute No. PRC 17115**

*"That the Committee recommends that Council:*

- (i) approves the changes made to the Accessibility and Inclusiveness Plan 2017-2027 as a result of the engagement forum held with the disability community;*
- (ii) agrees to the establishment of an Accessibility and Inclusiveness Plan (AIP) Advisory Group of up to five members as a subcommittee of Council reporting to the Community Services Committee;*
- (iii) agrees that the AIP Advisory Group will meet quarterly with the first meeting being 1 July 2017;*
- (iv) agrees to the payment of an honorarium for members of \$60 per meeting to cover costs of attending the meeting; and*
- (v) directs officers to work with the AIP to assist to develop a Terms of Reference for the group and a work programme including formal induction on the role of Council and its fiscal responsibilities;*
- (vi) adopts the Accessibility and Inclusiveness Plan 2017-2027, attached as Appendix 1 to the report; and*
- (vii) agrees that the Accessibility and Inclusiveness Plan Advisory Group report to the Community Services Committee."*

i) **Dog Control Bylaw Dog Trial Feedback and Recommendations (17/122)**

Report No. PRC2017/1/53 by the Divisional Manager, Regulatory Services

The Divisional Manager, Regulatory Services elaborated on the report.

In response to a question from a member, the Divisional Manager, Regulatory Services said that a report to amend the dog bylaw for Avalon Park would be placed on the Committee's agenda for its next meeting.

Crs Lewis and Sutton left the meeting at 7.34pm.

**RESOLVED:** (Cr Lulich/Deputy Mayor Bassett) **Minute No. PRC 17116**

*"That the Committee:*

- (i) *notes that dog areas around Wainuiomata Road and Maire Street shops, Wainuiomata; Jackson Street, Petone; Rimu and Oroua Streets, Eastbourne; and Days Bay on the beach north of the wharf, Eastbourne have been reviewed after a 12 month trial period; and*
- (ii) *notes the results from the 12 month trial period outlined in the officer's report."*

**RECOMMENDED:** (Cr Lulich/Deputy Mayor Bassett) **Minute No. PRC 17117**

*"That the Committee recommends that Council:*

- (i) *agrees to delete maps 41, 44 and 51 attached to the Dog Control Bylaw 2015;*
- (ii) *agrees to end the 12 month trial period "Dogs On Leash Exercise Areas" associated with maps 41, 44 and 51. This will mean these areas are simply public areas where dogs can be exercised on leash. For completeness, these trial areas contained the following descriptions:*
  - (a) *allows dogs on leash on the footpaths and berms, on the road frontages of the commercial properties located on the corner of Maire Street and Wainuiomata Road, Wainuiomata outlined in the map attached as Appendix 1 to the report;*
  - (b) *allows dogs on leash on the entire road reserve, footpaths and berms on the road frontage of the commercial properties of Jackson Street, Petone, between its intersections with Cuba Street and Hutt Road, outlined in the map attached as Appendix 2 to the report; and*
  - (c) *allows dogs on leash on the entire road reserve, footpaths and berms on the road frontage of the commercial properties of Rimu and Oroua Streets, Eastbourne, outlined in the map attached as Appendix 3 to the report;*
- (iii) *agrees to delete map 54 attached to the Dog Control Bylaw 2015 and directs*

- officers to make the necessary amendments to the remaining maps to give effect to the recommendation below; and*
- (iv) *resolves that the area in Days Bay on the beach north of the wharf, outlined in map 54, attached as Appendix 4 to the report, will be:*
- (a) *a Dog Exercise Area between 7.00pm and 10.00am from 1 December to 31 March every year;*
- (b) *a Dog Exercise Area at all times from 1 April to 30 November ; and*
- (c) *a Dog Prohibition Area between 10.00am and 7.00pm from 1 December to 31 March every year."*

j) **Public Art - Opportunities and Gaps (16/1219)**

Report No. PRC2017/1/54 by the Contractor Policy

Speaking under the Provisions for Tangata Whenua, **Mr T Puketapu, representing Te Runanganui O Te Atiawa and the Artists of Waiwhetu Marae**, said that there was a lack of visibility of mana whenua in Hutt City. He further said that there was a lack of Māori art in the City compared to other cities in New Zealand and Hutt City was lagging behind. He added that Māori carving had depth of meaning and the items the figures were holding were significant. He highlighted that art could help achieve peace. He further said that he had been disappointed to have been approached by officers regarding an art commission which had subsequently been withdrawn. He requested that Council uphold the confidence of artists that it engaged with.

Cr Sutton rejoined the meeting at 7.36pm.

Deputy Mayor Bassett invited Mr Puketapu to attend the first meeting of the newly established Arts and Culture Subcommittee, and added that there would be opportunities for installing art in the new Events Centre.

The Contractor Policy elaborated on the report.

In response to a question from a member, the Divisional Manager, Strategy and Planning said that public art would be part of Council's "Making Places" project and not part of the community art decision making process.

In response to a question from a member, the Contractor Policy said that a Conservator for public art would develop an asset management plan after a public art audit had been completed.

**RECOMMENDED:** (Cr Lulich/Cr Edwards)

**Minute No. PRC 17118**

*"That the Committee recommends that Council:*

- (i) *agrees to funding for:*
  - (a) *an audit and condition report on Council's existing public art works and the development of a 10 year plan for remedial and ongoing maintenance work; and*
  - (b) *a part time public art position within Council;*
- (ii) *notes that this funding will come from existing budgets;*
- (iii) *agrees to establish the Public Art Advisory Group (PAAG) and the recommended expert members for that group as attached in Appendix 1 to the report;*
- (iv) *approves the Terms of Reference for the PAAG as attached in Appendix 2 to the report; and*
- (v) *agrees to an investigation into a percentage funding approach for all infrastructure and similar projects to include public art for incorporation into the new public art policy."*

**k) Risk and Resilience (17/132)**

Report No. PRC2017/1/55 by the Policy Advisor

In response to questions from members, the Divisional Manager, Strategy and Planning said that community engagement on risk and resilience would begin once sufficient scientific data had been made available to the local territorial authorities.

**RESOLVED:** (Cr Cousins/Deputy Mayor Bassett) **Minute No. PRC 17119**

*"That the Committee notes the information in the report."*

**5. CANINE THERAPY DOGS (17/152)**

Report No. PRC2017/1/59 by the Regional Manager Animal Services

Members noted that this report had been deferred until a further meeting of the Policy and Regulatory Committee.

6. **GM'S REPORT - GOVERNANCE AND REGULATORY** (17/136)

Report No. PRC2017/1/57 by the General Manager, Governance and Regulatory

The General Manager, Governance and Regulatory highlighted that government's unreinforced masonry legislation had come into effect today and officers would be contacting the affected building owners.

In response to a question from a member, the General Manager, Governance and Regulatory said that officers could provide the Committee with information regarding the number of sold buildings versus the number of LIMs issued.

**RESOLVED:** (Cr Cousins/Deputy Mayor Bassett)

**Minute No. PRC 17120**

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

7. **INFORMATION ITEM**

**Policy and Regulatory Committee Work Programme** (17/32)

Report No. PRC2017/1/4 by the Committee Advisor

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

**Minute No. PRC 17121**

*"That the report be received."*

8. **QUESTIONS**

There were no questions.

There being no further business the Chair declared the meeting closed at 8.50 pm.

Cr M J Cousins  
**CHAIR**

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