

HUTT CITY COUNCIL

Minutes of an ordinary meeting of The Hutt City Council held in the Council Chambers,
2nd Floor, 30 Laings Road, Lower Hutt on
Tuesday 23 May 2017 commencing at 6.00pm

PRESENT:

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

APOLOGIES: There were no apologies.

IN ATTENDANCE:

Mr T Stallinger, Chief Executive
 Ms K Kelly, General Manager, Strategic Services
 Mr B Sherlock, General Manager, City Infrastructure
 Ms J Raffills, General Manager, Governance and Regulatory
 Mr M Reid, General Manager, Community Services
 Mr B Kibblewhite, Chief Financial Officer
 Mr B Cato, Solicitor (part meeting)
 Ms J Beck, Manager, Human Resources (part meeting)
 Mr A Cumming, Manager, Environmental Policy (part meeting)
 Mr P Maaka, Urban Design Manager (part meeting)
 Ms S Simcox, Team Leader Communications and Marketing
 Mr P Healy, General Manager, Hutt City Community Facilities Trust (part meeting)
 Mr S Keatley, Huia Pool Manager (part meeting)
 Ms C Tessendorf, Senior Environmental Policy Analyst (part meeting)
 Mr N Geard, Environmental Policy Analyst (part meeting)
 Mr D Bradley, Facilities Manager (part meeting)
 Ms K Stannard, Divisional Manager Secretariat Services
 Mrs A Doornebosch, Committee Advisor

PUBLIC BUSINESS**1. APOLOGIES**

There were no apologies.

2. PUBLIC COMMENT

Comments are recorded under the item to which they relate.

3. MAYORAL STATEMENT

The Mayor delivered his Mayoral Statement.

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett)

Minute No. C 17201

"That the Mayoral Statement be noted and received."

4. CONFLICT OF INTEREST DECLARATIONS

Deputy Mayor Bassett declared a conflict of interest in relation to item 5 e) 4a) (UrbanPlus Limited) and took no part in discussions or voting on the matter.

Cr Milne declared a conflict of interest in relation to item 5 e), 4a) (Seaview Marina Limited) and took no part in discussion or voting on the matter.

Cr Cousins declared a conflict of interest in relation to items 5 e) 4b) and 12 b) 9 and took no part in discussion or voting on the matters.

Cr Lewis declared a conflict of interest in relation to items 5 d) 4a) and 5 d) 4b) and took no part in discussion or voting on the matters.

5. COMMITTEE REPORTS WITH RECOMMENDED ITEMS

a) Traffic Subcommittee

10 April 2017

RESOLVED: (Cr Cousins/Cr Sutton)

Minute No. C 17202

"That the report of the meeting held on 10 April 2017 with the exception of Item 4a) Korokoro Road – Proposed No Stopping At All Times Restrictions, item 4b) Randwick Road, Moera – Proposed P15 Parking, No Parking On Grass and No Stopping At All Times Restrictions, item 4c) Randwick Crescent (Moera Carpark) – Proposed Mobility Park and No Stopping At All Times Restrictions, item 4d) The Esplanade (Petone Wharf) – Proposed P120 Parking Restrictions and No Stopping At All Times Restrictions, 4e) Holyoake Crescent – Proposed Mobility Park and No Stopping At All Times Restrictions, item 4f) 460 High Street – Proposed P15 Parking Restrictions, item 4g) Taita Drive – Proposed No Stopping At All Times Restrictions and item 4h) Titoki Street – Proposed No Stopping At All Times Restrictions be adopted."

Items **Recommended Items**
4a)-4h)

Korokoro Road – Proposed No Stopping At All Times Restrictions, Randwick Road, Moera – Proposed P15 Parking, No Parking On Grass and No Stopping At All Times Restrictions, Randwick Crescent (Moera Carpark) - Proposed Mobility Park and No Stopping At All Times Restrictions, The Esplanade (Petone Wharf) - Proposed P120 Parking Restrictions and No Stopping At All Times Restrictions, Holyoake Crescent - Proposed Mobility Park and No Stopping At All Times Restrictions, 460 High Street - Proposed P15 Parking Restrictions, Taita Drive - Proposed No Stopping At All Times Restrictions and Titoki Street - Proposed No Stopping At All Times Restrictions.

Speaking under public comment, **Ms Andrea Hill** expressed concern regarding the lease issued to the Solar Power Throwing Academy at the intersection of Randwick Road, Moera. She believed that there were issues with the area relating to non-compliance with its resource consent. She noted that Automobile Association New Zealand (AA) had asked Council to keep it up to date with matters concerning the intersection. She advised that Randwick Road was a major distributor road and questioned why a children’s activity centre had been located at the site.

Cr Cousins highlighted that if Council agreed to refer the matter back to officers, it was to review traffic matters only and not to relitigate the resource consent.

RESOLVED: (Cr Cousins/Deputy Mayor Bassett) **Minute No. C 17203**

“That Council:

- (i) approves the installation of No Stopping At All Times Restrictions in Korokoro Road, Korokoro as shown in Appendix 1 attached to Report TRS2017/2/93;*
- (ii) requests officers to investigate alternative off road parking for the residents as close as possible to the area outlined in Appendix 1 attached to Report TRS2017/2/93 as a temporary measure until the Substandard Road Programme begins for Korokoro Road;*
- (iii) notes that in light of additional information received after the Traffic Subcommittee’s meeting, Council refers the installation of P15 Parking At All Times in Randwick Road, Moera, the installation of No Parking On Grass Restrictions in Randwick Road, Moera and the installation of No Stopping At All Times Restrictions back to officers for a full review;*
- (iv) approves the installation of a Mobility Park and No Stopping At All Times Restrictions at the Moera Carpark, in Randwick Crescent, as shown in Appendix 1 attached to Report TRS2017/2/95;*
- (v) approves the installation of P120 Parking Restrictions in the Petone Wharf car parking area, on the Esplanade, Petone as shown in Appendix 1 attached to Report TRS2017/2/95;*
- (vi) approves the installation of No Stopping At All Times Restrictions in the Petone Wharf car parking area, on the Esplanade, Petone as shown in*

Appendix 1 attached to Report TRS2017/2/95;

- (vii) approves the installation of a Mobility Park Restriction in Holyoake Crescent, Avalon as shown in Appendix 1 attached to Report TRS2017/2/97;*
- (viii) approves the installation of No Stopping At All Times Restrictions in Holyoake Crescent, Avalon as shown in Appendix 1 attached to Report TRS2017/2/96;*
- (ix) approves the replacement of three P60 Parking Restrictions with P15 Parking Restrictions outside N° 460 High Street, Lower Hutt, as shown in Appendix 1 attached to Report TRS2017/2/97;*
- (x) approves the installation of No Stopping At All Times Restrictions along Taita Drive as shown in Appendix 1 attached to Report TRS2017/2/98; and*
- (xi) approves the installation of No Stopping At All Times Restrictions in Titoki Street, Alicetown as shown in Appendix 1 attached to Report TRS2017/2/99."*

b) District Plan Committee

26 April 2017

RESOLVED: (Cr Bridson/Cr Lewis)

Minute No. C 17204

"That the report of the meeting held on 26 April 2017 with the exception of item 5, Proposed District Plan Change 49 Copeland Street Reserve Rezoning to General Residential Activity Area – Medium Density and General Recreation Activity Area be adopted."

Recommended Item

Item 5) Proposed District Plan Change 49 Copeland Street Reserve Rezoning to General Residential Activity Area - Medium Density and General Recreation Activity Area (17/565)

RESOLVED: (Cr Bridson/Deputy Mayor Bassett)

Minute No. C 17205

"That Council:

- (i) notes the proposed Plan Change which is attached as Appendix 1 to Report DPD2017/2/100;*
- (ii) resolves to promulgate Proposed Plan Change 49 for consultation;*
- (iii) instructs officers to publicly notify Proposed Plan Change 49 as soon as practicable;*
- (iv) allows officers to make any non-policy related changes to the details of the proposed Plan Change should the need arise;*
- (v) asks the Parks and Gardens division to work in conjunction with officers to provide development details for the recreation area; and*
- (vi) asks the Communication division to be involved in the project."*

Cr Barry and Cr Briggs requested that their dissenting votes be recorded against the above matter.

c) **Policy and Regulatory Committee**

1 May 2017

RESOLVED:

Minute No. C 17206

“That the report of the meeting held on 01 May 2017 with the exception of item 4a) Overseas Travel Approval – Policy Change, item 4b) Redrafted Gift Policy for Elected Members, item 4c) Reserve Reclassification – Wainuiomata, item 4d) Future of Molesworth Street Reserve Pomare, item 4e) Proposed Road Stopping and Sale of Legal Road on the corner of Knights Road and Birch Street Waterloo, item 4f) Dog Controls for Avalon Park and item 4g) Easter Sunday Shop Trading Policy be adopted.”

Recommended Items

Item 4a) Overseas Travel Approval - Policy Change (17/651)

RESOLVED: (Cr Cousins/Cr Edwards)

Minute No. C 17207

“That Council:

- (i) approves the Chief Executive be given delegated authority to approve overseas travel for staff; and*
- (ii) approves the ‘tracked’ changes in the Sensitive Expenditure Policy attached as Appendix 1 to Report PRC2017/2/110.”*

Item 4b) Redrafted Gift Policy for Elected Members (17/587)RESOLVED: (Cr Cousins/Cr Sutton)**Minute No. C 17208**

"That Council approves the proposed Gift Policy for Elected Members (changes as underlined) attached as Appendix 1 to Report PRC2017/2/111."

Item 4c) Reserve Reclassification - Wainuiomata (17/252)RESOLVED: (Cr Cousins/Cr Briggs)**Minute No. C 17209**

"That Council reclassify the Local Purpose Reserve (Community Use) located at the end of Hinau Grove, Wainuiomata, being Lot 1 DP 83036 (WN49C/742), as a Recreation Reserve in terms of section 19(1)(b) of the Reserves Act 1977."

Item 4d) Future of Molesworth Street Reserve Pomare (17/536)RESOLVED: (Cr Cousins/Cr Sutton)**Minute No. C 17210**

"That Council:

- (i) notes that as a result of the Valley Floor Review officers were directed to undertake a review of the reserve property at 132A Molesworth Street for the purpose of considering its future;*
- (ii) notes that an independent assessment of reserve values has been undertaken which considers that the property has a low reserves value;*
- (iii) notes that an application has been received from Empower Management Limited seeking to use the property to establish an Early Childhood Education (ECE) centre;*
- (iv) asks officers to work with Empower Management Limited to assist it to find a suitable location for an ECE centre;*
- (v) asks officers to undertake general consultation with the community about the future of the property and report back on the options; and*
- (vi) notes that a decision on an alternative use of the property would be a matter for further consideration should Council decide, following due process, to revoke the reserve status of the property."*

Item 4e) Proposed Road Stopping and Sale of Legal Road on the corner of Knights Road and Birch Street Waterloo (17/600)

RESOLVED: (Cr Cousins/Cr Edwards) **Minute No. C 17211**

"That Council:

- (i) notes that the owner of 227 Knights Road is interested in acquiring a small area of legal road of approximately 35m² which is situated between the legal boundary and existing fence as shown in Appendix 1 to Report PRC2017/2/113;*
- (ii) notes that the Road and Traffic Division see no need to retain this area of legal road for roading purposes now or in the future;*
- (iii) agrees to stop the portion of legal road adjoining 227 Knights Road as depicted on the aerial photograph attached as Appendix 1 to Report PRC2017/2/113; and*
- (iv) agrees to sell the stopped road to the owner of 227 Knights Road, noting that the owner has agreed to meet all costs associated with the road stopping process and subsequent boundary adjustment, as well as the assessed market value of the land."*

Item 4f) Dog Controls for Avalon Park (17/632)

RESOLVED: (Cr Cousins/Cr McDonald) **Minute No. C 17212**

"That Council:

- (i) approves the public consultation process; and*
- (ii) appoints a subcommittee consisting of Councillors Cousins, Lewis, Bridson, Briggs and Edwards, to hear submissions on the proposed dog controls for Avalon Park and make recommendations to Council."*

Item 4g) Easter Sunday Shop Trading Policy (17/575)

RESOLVED: (Cr Cousins/Cr Edwards) **Minute No. C 17213**

"That Council:

- (i) notes the officer's report on Easter Sunday Shop Trading Policy that includes results of a pre-consultation phase;*
- (ii) agrees to not take any further action and therefore not develop an Easter Sunday Shop Trading Policy at this time; and*
- (iii) asks officers to keep the matter under review and bring it back to Council if there is any change in the position of the regional Metropolitan Councils."*

d) **City Development Committee**

2 May 2017

RESOLVED: (Deputy Mayor Bassett/Cr Sutton)

Minute No. C 17214

“That the report of the meeting held on 2 May 2017 with the exception of item 4a) Petone 2040 and item 4b) Petone Clock Walk, be adopted.”

Item	Recommended Items
4a)	Petone 2040 (17/682)

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

RESOLVED: (Deputy Mayor Bassett/Cr Sutton)

Minute No. C 17215

“That Council:

- (i) notes that Petone 2040 is supported by the Petone Community Board (PCB), Jackson Street Programme (JSP), and the Petone 2040 Community Group;*
- (ii) notes that Petone 2040 has been well received by Councillors and officers are seeking it as a spatial plan to assist their work;*
- (iii) notes that Petone 2040 will form an important part of the Hutt growth ‘story’ being developed with the New Zealand Transport Agency and Greater Wellington Regional Council to consider city wide transport projects eg Cross Valley Link;*
- (iv) approves the Petone 2040 Spatial Plan, attached as Appendix 2 to Report CDC2017/2/129 as Council’s and the community’s overarching long term development strategy for Petone and Moera;*
- (v) notes the membership of the Petone 2040 Group as follows: Cr Tui Lewis (Chair of the Petone 2040 Group); Ms Pam Hanna (Petone Community Board Chair); Mr Mike Fisher (Petone Community Board Deputy Chair); Mr John Donnelly (JSP representative); Mr Matt Roberts (community representative); Ms Sue Piper (facilitator); and Mr Tom Bennion (community representative); and*
- (vi) appoints Cr Sutton (Deputy Chair) as the City Development Committee representative to the Petone 2040 Group.”*

Item 4b) Petone Clock Walk (17/681)

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

RESOLVED: (Deputy Mayor Bassett/Cr Lulich) **Minute No. C 17216**

"That Council:

- (i) notes that the Jackson Street Programme (JSP) does not support the Petone Clock Walk;*
- (ii) notes that Petone Community Board and Petone 2040 Community Group agree that Petone Clock Walk should be considered through Petone 2040;*
- (iii) agrees that further discussions be held between JSP and Petone Clock Walk to then be brought forward to the P2040 Group;*
- (iv) agrees that further progress for the Petone Clock Walk is considered through a Jackson Street streetscape design under the Petone 2040 Spatial Plan and asks that the P2040 makes this project a priority and notes Council's support of the project; and*
- (v) asks officers to report to the June 2017 Community Plan Committee on necessary funding for the Jackson Street Streetscape Design."*

e) Finance and Performance Committee

3 May 2017

RESOLVED: (Cr Milne/Deputy Mayor Bassett)

Minute No. C 17217

"That the report of the meeting held on 3 May 2017 with the exception of item 4a) Urban Plus Limited – Amendment to Constitution, item 4b) Appointment of Trustees to Hutt City Community Facilities Trust and item 4c) Response to Fraser Park Business Case, be adopted."

Recommended Items**Item 4a) Urban Plus Limited - Amendment to Constitution (17/667)**

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

RESOLVED: (Cr Milne/Cr Barry)

Minute No. C 17218

"That Council:

- (i) approves the amendment to the UrbanPlus Limited (UPL) Constitution attached as Appendix 3 to the report, regarding the ability for UPL Directors to provide indemnity to Directors and employees of its current and future subsidiary companies;*
- (ii) notes that a Deed of Indemnity will also have to be entered into as part of this proposal; and*
- (iii) notes that the purpose is to provide indemnification to previous (retired), current and future Directors and employees of UPL subsidiary companies."*

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

RESOLVED: (Cr Barry/Cr Sutton)

Minute No. C 17219

"That Council approves, subject to approval by the Seaview Marina Limited (SML) Board and Council's General Manager, Governance and Regulatory, similar changes be made to the SML Constitution to allow indemnification of previous (retired), current and future Directors and employees of SML and SML subsidiary companies."

Item 4b) Appointment of Trustees to Hutt City Community Facilities Trust (17/549)

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

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett) Minute No. C 17220

"That Council:

- (i) approves the appointment of a selection panel consisting of Council's General Manager Community Services, outgoing Hutt City Community Facilities Trust (CFT) Chair (subject to his agreement) and Cr Milne to identify, assess and approach potential candidates for the position of up to three independent Trustees on CFT, in accordance with the Council's Policy for the Appointment of Directors;*
- (ii) approves this process for future appointments to the Board of the CFT; and*
- (iii) delegates to the selection panel the power to negotiate and decide an amount to be paid as an honorarium for the new Chair up to the existing remuneration level."*

Item 4c) Response to Fraser Park Business Case (17/603)

Speaking under public comment, **Mr Mark Heissenbuttel representing Fraser Park Sportsville (FPS)** highlighted the successful FPS partnership largely funded by Council and supported by the Hutt City Community Facilities Trust. He also highlighted that the research undertaken for the business case had indicated a return of over \$24M back to the community over the next 10 years from the operation of FPS. He said the operating grant would allow FPS to deliver events and programmes for member sport clubs, local schools and the wider community. He acknowledged the work completed by the FPS Board.

RESOLVED: (Cr Milne/Deputy Mayor Bassett) **Minute No. C 17221**

"That Council:

- (i) recommends to the Community Plan Committee, subject to Council approval, and subject to any cost reduction that Council is able to provide to the business case (eg Insurance), an operating grant to Fraser Park Sportsville (FPS) of:

 - a) \$150,000 for the first full year of operation;*
 - b) \$125,000 for the second year;*
 - c) \$100,000 for the third year; and*
 - d) \$75,000 for the fourth year;**
- (ii) agrees for this operating grant to be reviewed after three years of FPS operating; and*
- (iii) agrees that a condition of annual funding will be that FPS formally reports to Council six monthly and in particular progress against its Business Case."*

RESOLVED: (Cr Barry/Cr Briggs) **Minute No. C 17222**

"That Council asks officers to provide a report on the rating policy for sporting, recreational, cultural and community facilities."

f) Community Services Committee

4 May 2017

RESOLVED: (Cr Barratt/Cr Sutton) **Minute No. C 17223**

"That the report of the meeting held on 4 May 2017 with the exception of item 4a) Review of Community Funding and item 4b) Review of Community Committees, be adopted."

Recommended Items

Item 4a) Review of Community Funding (17/656)

Speaking under public comment, **Ms Carey Buck representing Petone Citizens Advice Bureau (CAB)** believed there was a lack of detail available for the new funding model process, criteria and measures. She highlighted the services provided across the community by the CAB. She noted the CAB was affiliated to a national body, which meant it could not apply for national body funding.

Speaking under public comment, **Ms Ina Wharehinga representing the Petone Citizens Advice Bureau (CAB)** highlighted that the information did not provide clarity on how it would be determined whether the group fitted within the model. She said officers had assured the CAB that the group would be taken into account in the new funding model, but she was now unsure if this was the case.

The General Manager Community Services elaborated on the report. He undertook to work with the organisations to ensure a smooth transition.

Mayor Wallace advised that the proposed change with the Community Funding Strategy would be incremental over a number of years and that Council would work to ensure the services provided by CAB were retained.

RESOLVED: (Cr Barratt/Cr Briggs)

Minute No. C 17224

"That Council:

- (i) approves the 2017/2022 Community Funding Strategy, attached as Appendix 2 to Report CSC2017/2/107, effective from 1 July 2018;*
- (ii) notes that changes to the existing funding arrangements will be made incrementally over 2017/18, 2018/19 and 2019/20; and*
- (iii) notes that the existing Community Funding Policy will be amended to ensure it aligns with aspirations and requirements of this proposed Community Funding Strategy."*

Cr Lewis and Cr Lulich requested that their dissenting votes be recorded against the above matter.

Item 4b) Review of Community Committees (17/661)

Speaking under public comment, **Mr Michael Ellis** expressed support for the proposed Community Panels. He did not consider the Community Board delegations should be identical to the Community Panels' delegations as the intent of the panels was that they would be community led.

Mayor Wallace noted funding for the panels would be included in the representation review to be undertaken later in 2017.

Cr Cousins considered protocols should be included within the Community Panels' delegations for the panels to manage funding requirements.

RESOLVED: (Cr Barratt/Cr McDonald)

Minute No. C 17225

"That Council:

- (i) approves the establishment of four Community Panels; and*
- (ii) notes the new Community Panel approach would be reviewed after 12 months."*

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

The meeting adjourned at 7.40pm and recommenced at 7.50pm.

6. **MISCELLANEOUS**

a) **Living Wage - Next Steps** (17/770)

Report No. HCC2017/2/136 by the Divisional Manager Human Resources

Speaking under public comment, **Dr Jim Rose representing the New Zealand Taxpayers' Union** considered the introduction of the living wage would create a situation where future jobs would be filled by the top qualified applicants. He outlined what had occurred at Wellington City Council where only 13 out of the 30 existing parking wardens had been re-hired. He considered Councils, which adopted the living wage, would need to employ staff on merit with transparent processes and outcomes.

Speaking under public comment, **Mr Neville Hyde, President of the Hutt Valley Chamber of Commerce** (the Chamber), commented that the Chamber remained opposed to the introduction of the living wage and applying an arbitrary living wage figure. He considered the living wage was politically driven and required an expectation that ratepayers would receive an improved service from its introduction. He noted Council had a legal requirement to deliver services in a cost effective way and considered it could be legally challenged if the living wage was introduced.

Speaking under public comment, **Mr John Ryall representing the Hutt Valley Living Wage Group** said that Council's legal opinion provided a distinction between employed staff and contractors, but the requirement for Council to be a good employer was not a condition for contracted staff. He noted the objective of the living wage was to provide fair and proper treatment and considered the draft policy was in line with Council's obligations of being a good employer. He considered that Council should continue discussions with living wage representatives, Wellington and Auckland City Councils and Greater Wellington Regional Council regarding the application of the living wage.

Speaking under public comment, **Mr Glenn Barclay representing the Public Service Association (PSA)** noted the PSA had 63,000 national members and was an active member of the living wage movement. He highlighted Council's obligation to be a good employer and asked members to consider the human rights of staff against cost effectiveness requirements. He expressed support for Mr Ryall's comments.

The Solicitor elaborated on the report.

Mr Jonathan Salter, Partner, Simpson Grierson Lawyers, elaborated on the change to the initial purpose of the Local Government Act (the Act) which removed the requirement on local authorities to provide for the promotion of social, economic, environmental and cultural community well beings. He advised that the initial purpose of the Act flowed through into the powers of local authorities since sections 10, 11 and 12 of the Act were closely related. He highlighted that the new purpose was the requirement for local authorities to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulation functions in a way that was the most cost-effective for households and businesses. He explained that the change was deliberate by

central government to encourage fiscal restraint by local authorities. He also explained that local authorities were required to reference back its general powers to the new change to the purpose of the Act. He highlighted other relevant provisions under the Act where local authorities were obliged to carry out financial and revenue and general dealings in a way that was prudent and met the interests of the communities. In essence, he advised that paying a living wage above the market requirements to get a particular job done had some serious issues for local authorities. He advised that there were counter arguments with the obligation of local authorities to be good employers under the Act. However, he noted that he did not read anything in the obligation that regulated how much local authorities paid their staff. He stated that local authorities needed justification and actual evidence and analysis outcomes to warrant paying the living wage. He highlighted that the behaviour of local authorities could be judicially reviewable on the grounds of failure to comply with the Act. He elaborated on the potential judicial review risk for Wellington City Council when it considered the same matter in 2016 when a serious threat was made by the Wellington Chamber of Commerce which had ended in a compromise.

In response to a question from a member, Mr Salter clarified that the compromise related to paying a living wage for employees of Council contractors.

In response to a question from a member, Mr Salter highlighted that the new purpose of the Act had not been challenged and he was uncertain how the Courts would interpret the new purpose of the Act. He advised that the risk would come at the time of a challenge. He stated that the High Court had read the Act extremely literally.

In response to questions from a member, Mr Salter advised that one of the reasons local authorities employed staff was to meet the needs of the communities for good quality local infrastructure and local body services and regulations, therefore it was fundamental local authorities employed staff as one of the mechanisms by which to deliver the needs of the communities. He also advised that the starting point was to determine whether local authorities had a problem. He stated that the Act directed local authorities to consider the options for dealing with a decision and local authorities needed to undertake an analysis to confirm they had a problem that required a possible solution.

In response to a question from a member regarding Council being consistent with its decisions, the Solicitor advised that when the change was made to the purpose of the Act, a requirement was included in the report templates which required officers to describe how the recommendations fell within the new purpose of the Act. He also advised that he had been informed by Wellington City Council that the threat of a judicial review was both for contractors and employees.

In response to a question from a member, the Chief Executive advised that he was nervous about a blanket approach due to the legal advice received. He highlighted that Council did not have across the board problems with staff turnover, staff moral and the recruitment of staff. He acknowledged that there may be some areas of issue discovered with a case-by-case basis which would be assisted by an adjustment of wages.

The Divisional Manager Human Resources advised that members needed to take into account how Council was going to acknowledge the performance of an individual staff member if all staff received an automatic wage increase. She highlighted that Council would be treating staff differently at remuneration review time.

MOVED: (Mayor Wallace/Cr Barratt)

That Council:

- (i) receives the legal advice;
- (ii) adopts the Living Wage Policy, attached as Appendix 1 to the report, which allows the Living Wage to be paid to employees on a case-by-case basis; and
- (iii) requests the Chief Executive to continue to work with Living Wage Hutt Valley on issues such as contracting.

AMENDMENT MOVED: (Cr Sutton/Cr Milne)

That Council:

- (i) receives the legal advice;
- (ii) adopts the Living Wage Policy, attached as Appendix 1 to the report, which allows the Living Wage to be paid to employees on a case-by-case basis; and
- (iii) requests the Chief Executive to continue to work with Living Wage Hutt Valley, Hutt Valley Chamber of Commerce and the New Zealand Taxpayers' Union Inc on issues such as contracting.

The amendment (part iii) above was declared LOST by division with the voting as follows:

For

Mayor Wallace
Deputy Mayor Bassett
Cr Barratt
Cr Cousins
Cr Milne
Cr Sutton

Total: 6

Against

Cr Barry
Cr Lulich
Cr McDonald
Cr Lewis
Cr Briggs
Cr Bridson
Cr Edwards

Total: 7

Cr Edwards foreshadowed his intention to move a further amendment to part (iii) of the motion as follows:

- (iii) requests the Chief Executive to continue to work with Living Wage Hutt Valley and Hutt Valley Chamber of Commerce on issues such as contracting."

AMENDMENT MOVED: (Cr Bridson/Cr Barry)

“That the Remuneration and Employment Policy be accepted with the following changes to the second paragraph under the heading ‘Paying the Living Wage’ delete the words “where it can be demonstrated that doing so means that the performance of our functions and services will be the most cost-effective way to provide those services.”

The Chair ruled the amendment as a direct negative. He advised Cr Bridson that she could foreshadow her intention to move the motion if the substantive motion was lost.

Cr Milne expressed support for the motion and considered that the blanket approach did not meet the requirements under the purpose of the Act.

Mayor Wallace left the meeting and the Deputy Mayor assumed the Chair.

Cr Barry expressed concern with the motion and considered Council was ‘passing the buck’ recommending a case-by-case basis focus. He considered that it was Council’s responsibility to be a good employer and do what was right for Council staff.

Mayor Wallace rejoined the meeting and assumed the Chair.

AMENDMENT MOVED: (Cr Barry/Cr Briggs)

That Council:

- (i) asks officers to prepare an implementation plan for introducing the living wage for Council employees;
- (ii) asks officers to consult with Wellington City and Auckland City Councils on how they conducted their processes for implementing the living wage for their directly employed Council employees and that this helps inform any proposed implementation plan; and
- (iii) an implementation plan be presented to Council at its meeting to be held in September 2017.

The Chair ruled the above amendment as a direct negative. He advised Cr Barry that he could foreshadow his intention to move the motion if the substantive motion was lost.

Cr Briggs expressed concern with the motion and advised that paying employees on a case-by-case basis did not work for him. He advised that if the motion was carried then he believed Council was doing an injustice to its employees and not treating them with dignity and respect.

PROCEDURAL MOTION: (Cr Barry/Cr Briggs)

“That the item of business being discussed should lie on the table.”

The motion was LOST on a show of hands with 7 for and 6 against.

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 17227**

“That Council:

- (i) receives the legal advice; and*
- (ii) adopts the Living Wage Policy, attached as Appendix 1 to the report, which allows the Living Wage to be paid to employees on a case-by-case basis; and*
- (iii) requests the Chief Executive to continue to work with Living Wage Hutt Valley and Hutt Valley Chamber of Commerce on issues such as contracting.”*

The motion was taken in two parts. Parts (i) and (ii) were declared CARRIED by division with the voting as follows:

For

Mayor Wallace
Deputy Mayor Bassett
Cr Barratt
Cr Cousins
Cr Milne
Cr McDonald
Cr Sutton

Total: 7

Against

Cr Barry
Cr Lulich
Cr Lewis
Cr Briggs
Cr Bridson
Cr Edwards

Total: 6

Part (iii) was declared CARRIED by division with the voting as follows:-

For

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

Total: 12

Against

Cr Lewis

Total: 1

Cr Lewis requested that her dissenting vote be recorded against part (iii) above.

b) **Skateboard Area - Civic Building** (17/790)

Memorandum dated 15 May 2017 by the Solicitor.

Mayor Wallace highlighted the recent damage from the use of skateboards on the granite outside the front of the Hutt City Council Administration building. He asked officers to manage and enforce the relevant skateboard bans around the central district precinct. He encouraged skateboarders to make use of the skate park provided.

In response to a question from a member, Mayor Wallace asked officers to report on the central business district skating areas in consultation with the Youth Council.

The Chief Executive advised that the report would form part of the Traffic Bylaw review later in 2017.

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett) **Minute No. C 17228**

"That Council pursuant to clause 15.2 of the Hutt City Council Traffic Bylaw 2007, resolves to amend the skating ban area for the "central commercial area, Lower Hutt" to the area shown on the plan attached as Appendix 1 to the memorandum."

RESOLVED: (Cr Bridson/Cr Briggs) **Minute No. C 17229**

"That Council asks officers to review the CBD skating areas in consultation with the Youth Council to see whether there are any changes to be made to make the City more welcoming."

c) Changes to Terms of Reference and Subcommittee Membership (17/740)

Memorandum dated 2 May 2017 by the Divisional Manager, Secretariat Services

RESOLVED: (Mayor Wallace/Cr McDonald)

Minute No. C 17230

“That Council:

- (i) approves the proposed amendment (as strike out) to the City Development Committee’s terms of reference as attached as Appendix 1 to the memorandum;*
- (ii) approves the amendment (as underlined) to the Community Boards’ delegations as attached as Appendix 2 to the memorandum;*
- (iii) approves the amendments to the Wellington Region Waste Management and Minimisation Plan Joint Committee’s (WMMP) terms of reference to reflect the following:*
 - (a) that territorial authorities can appoint an alternate member to attend and vote at its meetings in the appointed member’s absence; and*
 - (b) that the WMMP Joint Committee will agree at the beginning of each triennium where meetings are to be held; and*
- (iv) appoints Cr Lewis as an alternate to the WMMP Joint Committee; and*
- (v) appoints Cr Bridson as a sitting member of the Traffic Subcommittee and Cr Barratt as alternate.”*

d) Alteration of Part of a Previous Council Resolution - Delaney Park (17/769)

Memorandum dated 9 May 2017 by the Divisional Manager, Secretariat Services

RESOLVED: (Mayor Wallace/Cr Bridson)

Minute No. C 17231

“That Council:

- (i) notes its original resolution dated 15 December 2016 (Minute No. C 16506(3)) as follows:*

“That Council agrees to provide for the following alcohol free areas within the city...part (f) Stokes Valley shopping centre and Speldhurst Park, Stokes Valley to be alcohol free zones at all times”...; and
- (ii) agrees to alter part (f) of the resolution to include Delaney Park to be alcohol free zone at all times as follows:*

Stokes Valley shopping centre, Delaney Park and Speldhurst Park, Stokes Valley to be alcohol free zones at all times as attached as Appendix 1 to the memorandum.”

7. **MINUTES**

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett)

Minute No. C 17232

"That the minutes of the meeting of the Hutt City Council held on Tuesday, 14 March 2017, be confirmed as a true and correct record."

8. **COMMITTEE REPORTS WITHOUT RECOMMENDED ITEMS**

a) **Community Plan Committee**

21 February 2017

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett)

Minute No. C 17233

"That the report of the meeting held on 21 February 2017 be adopted."

14 March 2017

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett)

Minute No. C 17234

"That the report of the meeting held on 14 March 2017 be adopted."

b) **Hutt Valley Services Committee**

5 May 2017

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett)

Minute No. C 17235

"That the report of the meeting held on 5 May 2017 be adopted."

9. **QUESTIONS**

There were no questions.

10. **SEALING AUTHORITY** (17/477)

Report No. HCC2017/2/11 by the Committee Administrator

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett)

Minute No. C 17236

"That Council:

- (i) *approves the affixing of the Common Seal to all relevant documents in connection with the items set out in Schedule 1 contained in the report; and*
- (ii) *approves the deeds executed under Power of Attorney set out in Schedule 2 contained in the report.*

SCHEDULE 1 - General Sealing Authority

Agreement for Sale and Purchase

- a) *The Hutt City Council and Premans Limited
38 Manor Park Road, Manor Park
(Record Number L17/11)*

Agreement with Another Organisation

- b) *The Hutt City Council and Greater Wellington Regional Council
Consent for land declared to Road at Boulcott Stopbank Project
(Record Number L17/72)*

Authority and Instruction for Deed of Nomination and Land Transfer Tax Statement – Sale or Purchase

- c) *The Hutt City Council and Urban Plus Limited (nominator) and Fairfield Ltd Partnership (nominee)
Sale of Summit Road – 1 Laura Fergusson Grove, Lower Hutt
(Record Number L17/44)*

Cancel Consent Conditions Legal 2.7

- d) *The Hutt City Council
Cancel Consent Conditions: 17/106 for L17/31
Application to cancel consent
Summit Road 1-13 Laura Fergusson Grove, Fairfield
(Record Number L17/31)*

Compensation Certificate under Section 19 of the Public Works Act 1981

- e) *The Hutt City Council and DG Hall, P Hall and JD Hall
203 Marine Drive, Eastbourne
Land Swap and Road Stopping
(Record Number L17/77)*

Easement

- f) *The Hutt City Council and Yu's Development Limited*
950 High Street, Lower Hutt
(Record Number L17/62)
- g) *The Hutt City Council and KB Roil and BD Makwana-Roil*
Sewage Drainage
6-8 Petherick Grove, Taita
(Record Number L17/91)

Encumbrance

- h) *The Hutt City Council and Urban Plus Ltd*
47 Laings Road, Titles WN23A/788 and WN23A/789
(Record Number L17/42)

Memorandum of Encumbrance – No. B437677.1

- i) *The Hutt City Council*
Consent Form
117 Stratton Street
(Record Number L16/181)

Removal of Encumbrance

- j) *The Hutt City Council*
205 Wise Street, Wainuiomata
(Record Number L17/80)

Warrants Approved

<p><i>Karl Peter Mittermuller – HCC WARRANT-17-7</i></p>	<p>1. Local Government Act 2002 Authorised Person pursuant to ss171, 173 (powers of entry in general) Enforcement Officer pursuant to s177 (including additional powers of entry)</p> <p>8. Health Act 1956 Environmental Health Officer pursuant to s28</p> <p>9. Hutt Valley Trade Wastes Bylaw 2006 Authorised Officer pursuant to 1.5 and 6.4 (including powers under Hutt Valley Drainage Act 1967)</p> <p>11. Litter Act 1979 Litter Control Officer pursuant to s5</p> <p>13. Resource Management Act 1991 Enforcement Officer pursuant to s38(1) Enforcement Officer (Noise Control only) pursuant to s38(2)</p> <p>14. Sale and Supply of Alcohol Act 2012 Inspector pursuant to s197(1)</p>
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SCHEDULE 2

Deed of Lease

- a) *The Hutt City Council*

7A Britannia Street, Petone
3 Carparks located off Britannia Street
(Record Number L17/70)"

11. EXCLUSION OF THE PUBLIC

RESOLVED:

Minute No. C 17237

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

12. COMMITTEE REPORTS WITH RECOMMENDED ITEMS

- a) City Development Committee - 2 May 2017
- b) Finance and Performance Committee - 3 May 2017
- c) Community Services Committee - 4 May 2017

13. MINUTES HUTT CITY COUNCIL - 14 March 2017

14. COMMUNITY REPRESENTATIVES FOR THE CIVIC HONOURS COMMITTEE (17/647)

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>Report of the City Development Committee held on 2 May 2017</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>Report of the Finance and Performance Committee held on 3 May 2017</i>	<i>The withholding of the information is necessary to enable the local authority to carry out, without prejudice</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the</i>

	<i>or disadvantage, commercial activities (s7(2)(h)).</i>	<i>disclosure of information for which good reason for withholding exist.</i>
<i>Report of the Community Services Committee held on 4 May 2017</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 14 March 2017</i>	<i>The withholding of the information is necessary to protect the privacy of natural persons. (s7(2)(a)). The withholding of the information is necessary to maintain legal professional privilege (s7(2)(g)).</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>Report of the Hutt City Council held on 23 May 2017</i>	<i>The withholding of the information is necessary to protect the privacy of natural persons.(s7(2)(a)). 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>Report of City Development Committee 2 May 2017 to Council.</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>Report of Finance and Performance</i>	<i>The withholding of the information is</i>	<i>That the public conduct of the relevant part of</i>

<i>Committee 3 May 2017 to Council.</i>	<i>necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities (s7(2)(h)).</i>	<i>the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exist.</i>
<i>Report of Community Services Committee 4 May 2017 to Council.</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>Community Representatives for the Civic Honours Committee.</i>	<i>The withholding of the information is necessary to protect the privacy of natural persons. (s7(2)(a)).</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exist.</i>

This resolution is made in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as specified in Column (B) above."

RESOLVED: (Mayor Wallace/Cr Sutton)

Minute No. C 17238

"That Mr Alister Skene and Mr Peter Healy of the Hutt City Community Facilities Trust be permitted to remain after the public during consideration of item 12b) 'Response to Hutt City Community Facilities Trust Funding Proposal' as they have knowledge of the matter to be discussed that will assist Council in relation to this item."

There being no further business the Chair declared the meeting closed at 9.30 pm and the non public portion of the meeting finished at 10.05 pm.

WR Wallace
MAYOR

**CONFIRMED as a true and correct record
Dated this 15th day of August 2017**