



POLICY AND REGULATORY

22 November 2017

Order Paper for the meeting to be held in the
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,
on:

Monday 27 November 2017 commencing at 5.30pm

Membership

Cr M Cousins (Chair)
Cr S Edwards (Deputy Chair)

Deputy Mayor D Bassett
Cr C Barry
Cr T Lewis
Cr C Milne
Mayor W R Wallace (ex-officio)

Cr L Bridson
Cr J Briggs
Cr M Lulich
Cr L Sutton

For the dates and times of Council Meetings please visit www.huttcity.govt.nz

POLICY AND REGULATORY COMMITTEE

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

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 process¹.
- 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.

¹ When acting in this capacity the committee has a quasi-judicial role.

HUTT CITY COUNCIL

POLICY AND REGULATORY COMMITTEE

Meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt

on

Monday 27 November 2017 commencing at 5.30pm.

ORDER PAPER

PUBLIC BUSINESS

1. APOLOGIES

2. PUBLIC COMMENT

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

3. CONFLICT OF INTEREST DECLARATIONS

4. RECOMMENDATIONS TO COUNCIL - 12 December 2017

a) Reserve Revocation - 9A Durham Crescent Epuni (17/1481)

Report No. PRC2017/5/284 by the Divisional Manager, Parks and Gardens 15

CHAIR'S RECOMMENDATION:

"That the recommendation contained in the report be endorsed."

b) Sale of Land Queens Drive (17/1697)

Report No. PRC2017/5/285 by the Divisional Manager, Parks and Gardens 20

CHAIR'S RECOMMENDATION:

"That the recommendation contained in the report be endorsed."

c) Days Bay Reserves Declaration and Classification (17/1641)

Report No. PRC2017/5/286 by the Asset Planner

22

CHAIR'S RECOMMENDATION:

"That the Committee considers the future of the area marked as C2."

d) Parking Policy - completed consultation (17/1692)

Report No. PRC2017/5/291 by the Senior Research/Policy Advisor 54

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

e) Cemeteries Bylaw 2017 (17/1541)

Report No. PRC2017/5/288 by the Principal Policy Advisor 106

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

f) Parks and Reserves Bylaw 2017 (17/1553)

Report No. PRC2017/5/289 by the Principal Policy Advisor 123

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

g) Traffic Bylaw 2017 (17/1563)

Report No. PRC2017/5/290 by the Principal Policy Advisor 150

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

h) Public Art Policy and Interim Public Art Guidelines (17/1708)

Report No. PRC2017/5/293 by the Divisional Manager, Strategy and Planning 184

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

i) Development Contributions Policy Review for 2018-2028 Long Term Plan (17/1699)

Report No. PRC2017/5/287 by the Divisional Manager, Strategy and Planning 200

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

j) Significance and Engagement Policy 2018 (17/1704)

Report No. PRC2017/5/292 by the Divisional Manager, Strategy and Planning 204

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

5. STRATEGY AND PLANNING ACTIVITY REPORT (17/1698)

Report No. PRC2017/5/5 by the Divisional Manager, Strategy and Planning 224

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

6. NEW RESERVES, LEASES AND LICENCES FOR 2018 (17/1365)

Report No. PRC2017/4/224 by the Divisional Manager, Parks and Gardens 228

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

7. GENERAL MANAGER'S REPORT (17/1643)

Report No. PRC2017/5/294 by the Divisional Manager Environmental Consents and the Divisional Manager, Regulatory Services and Emergency Management 233

CHAIR'S RECOMMENDATION:

"That the recommendation contained in the report be endorsed."

8. INFORMATION ITEM

Policy and Regulatory Committee Work Programme (17/1639)

Report No. PRC2017/5/21 by the Committee Advisor 262

CHAIR'S RECOMMENDATION:

"That the information be noted and received."

9. QUESTIONS

With reference to section 32 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

10. EXCLUSION OF THE PUBLIC

CHAIR'S RECOMMENDATION:

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

11. PROPOSED AMENDMENT TO LOCAL ALCOHOL POLICY.
(17/1621)

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)
General subject of the matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground under section 48(1) for the passing of this resolution.
Proposed Amendment to Local Alcohol Policy.	The withholding of the information is necessary to maintain legal professional privilege (s7(2)(g)). The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s7(2)(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.

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."

Susan Haniel
COMMITTEE ADVISOR

22 September 2017

File: (17/1481)

Report no: PRC2017/5/284

Reserve Revocation - 9A Durham Crescent Epuni

Purpose of Report

1. The purpose of this report is to revoke the reserve status of the property at 9A Durham Crescent and hand the property back to the Crown so that it can be incorporated into the total land area to be redeveloped by Housing New Zealand (HNZ).

Recommendations

It is recommended that the Committee recommends that Council agrees to revoke the reserve status of the property at 9A Durham Crescent, being Lot 202, DP 15426, on the basis that the reserve is no longer required for its off-street parking purpose and would be more usefully incorporated into the residential development proposed for the Epuni area by Housing New Zealand.

Background

2. The property at 9A Durham Crescent is a Crown-owned reserve vested in trust with the Hutt City Council (since 1959), for the purpose of off-street car parking. The reserve is a sealed car park, with access legs off Durham Crescent and Cambridge Terrace. An aerial photograph of the property is shown below.



3. The property was set aside as a reserve for off-street car parking for the public rental housing. With much of the rental housing gone in this area the property is no longer required for this purpose.
4. Once the reserve status is revoked ownership of the property will revert to the Crown. The revoked reserve would then be disposed of by Land Information New Zealand, through its Crown property Division. LINZ will be advised of HNZ's proposal to acquire the property so that it can be incorporated into the proposed new development for this area.
5. The proposal has been publicly notified as required by the Reserves Act 1977. There have been no objections to the proposal, although there is one submission which focusses on the proposed HNZ development.

Discussion

6. The reserve property is situated strategically between Cambridge Terrace and Durham Crescent in Epuni such that it is seen as being integral with the proposed re-development of the Epuni public housing area. Its use as a reserve for off-street car parking is no longer required and by revoking the reserve status the land would become available for HNZ to acquire and incorporate into the land available for development.
7. The submission raises the issue of the provision of communal open space in the HNZ development in order to build a sense of community. Before making its decision on the revocation of the reserve, Council may wish to take this opportunity to discuss with HNZ this aspect of the development.

Options

8. Council can either support the proposal to revoke the status of this reserve and proceed with the revocation process by referring the matter to the Department of Conservation, or decide not to go ahead with the proposal. By not proceeding with the proposal Council would continue to manage the land in trust.

Consultation

9. Public notice of the proposal to revoke the reserve status of the property was made in the Hutt News on 3 October 2017. One submission was received. It is attached as Appendix 1. The submission from Stephen Pattinson is neither for or against the proposal but rather urges Council to ensure that whatever development is carried out by Housing NZ around the Epuni station includes multivalent communal space.
10. The Port Nicholson Block Settlement Trust and Te Rununga were notified of the proposal. At the time of writing Council had not received a formal response.

Legal Considerations

11. Section 24 of the Reserves Act 1977 sets out the process by which the reserve status of the property may be revoked.

Financial Considerations

12. The costs associated with revoking the reserve status can be accommodated within existing budgets.
13. Council has applied to the Department of Conservation for a half share of the net proceeds of sale of the property. This policy applies where Council has managed the reserve in trust on behalf of the Crown. It recognises that Council has incurred operational expenses in managing the reserve over time.

Other Considerations


14. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of local government in that it is making a decision on a Crown-owned reserve property for which it has a trust status.

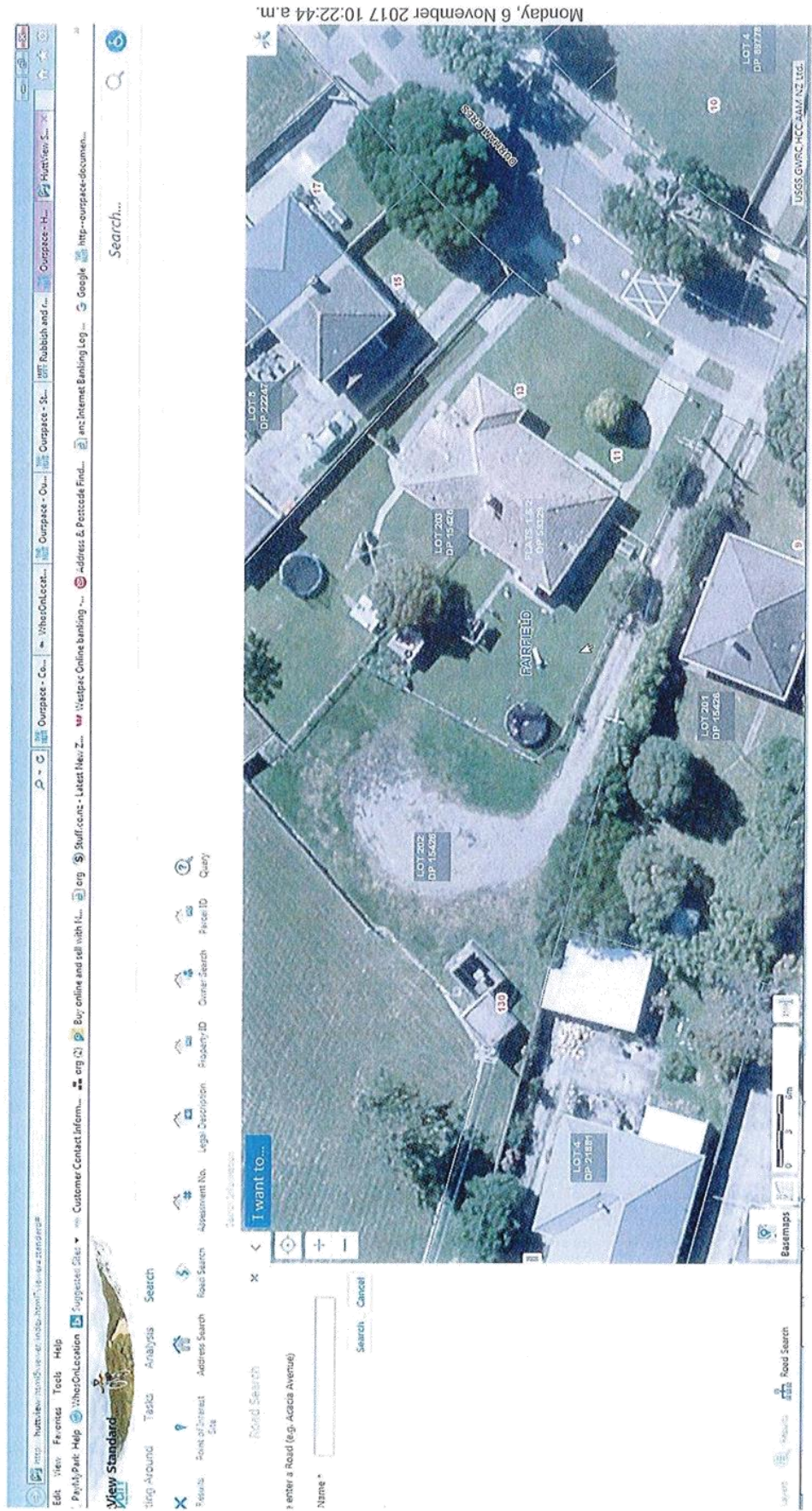
Appendices

No.	Title	Page
1↓	Submission_HCC Reserve in Durham St Epuni	18

Author: Bruce Hodgins
Divisional Manager, Parks and Gardens

Approved By: Matt Reid
General Manager Community Services

To: MUTT CITY COUNCIL Mon 6/11/17
Submission on Proposed Sale of Reserve
at Durham Street, Epuni. (Lot 202, DP 15426)
Stephen Pattinson, Regd Architect, CoDesign Architects Ltd.
If Council decides to proceed with the sale of this Reserve
then we urge Council to ensure that whatever development
is carried out around Epuni train station in the future (eg
on Housing New Zealand property) that it includes multi-
valent communal space. The purpose of multi-valent
communal space is to create better quality living environments
for residents in the form of lively people places in the
open spaces of medium-density housing. Please refer
to my research on this subject in the attached article
titled "Common Ground: Creating Sustainable Neighbourhoods
by making Communal Space Multivalent in Medium Density
Housing," published in 'The International Journal of Environmental,
Cultural, Economic & Social Sustainability' Vol. 7, 2011.
I attended an NZIA Urban Forum in Auckland earlier this year
where Housing NZ presented current examples of their medium
density housing, and although it looks good quality housing, I saw
little evidence of conscious efforts to help build a sense of
community by seeking to make communal open spaces multi-
valent. The opportunity was missed at Pomare, where higher density
could have been achieved with more open space than what
was built. We urge Council not to miss this opportunity at Epuni.
I wish to be heard at the hearing on this submission.
 S. Pattinson 027 226 3374



06 November 2017

File: (17/1697)

Report no: PRC2017/5/285

Sale of Land Queens Drive

Purpose of Report

1. This report seeks Council approval for the sale of a small strip of land in Queens Drive, which was the subject of an administrative oversight in a subdivision that occurred in 2002.

Recommendations

It is recommended that the Committee recommends that Council agrees to the sale of the property on Queens Drive, being Lot 4, DP 17143 on CFR WN700/74, to Napier BSL No 7 Limited in order to rectify a legal administrative issue which has been brought to Council's attention by Land Information New Zealand (LINZ).

Background

2. LINZ has brought to Council's attention that a small strip of land on Queens Drive is held in two separate computer freehold registers, effectively having two fee simple titles, one of which is owned by Hutt City Council. The strip is shown coloured blue in the plan below.



3. The property, over which part of the Big Save Furniture building is built, is a 30 metre long by 0.3 metre wide strip of land held by Council for the purpose of street extension. Its legal title is Lot 4, DP 17143 on CFR WN700/74.
4. The strip also appears to have been inadvertently included in Lot 1 DP 315572, which is the property occupied by Big Save Furniture. This situation has occurred in error, when several lots in this area were subdivided in 2002. The surveying company that did this work has accepted responsibility for this error.
5. The most pragmatic way to rectify this situation is for Council to sell the land to the neighbouring land owner, which is Napier BSL No 7 Limited.

Discussion

6. Council has no requirement for this small strip of land for street extension or any other purpose. As the land is currently built on, there is no other practical solution but to sell to the owners of the adjacent property.

Options

7. The only practical option is to sell the property.

Consultation

8. There is no requirement to consult.

Legal Considerations

9. The same piece of land cannot be held in two separate titles. LINZ has identified and brought the matter to Council to rectify. Once the property is sold the Council title will be extinguished, thus resolving this duplication.

Financial Considerations

10. The costs associated with rectifying the duplication of legal titles will be met by the surveying company that made the original mistake.
11. Officers propose that the sale be for a nominal fee of \$1, noting that Council has been receiving rates on the land since 2002.

Other Considerations

12. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of local government in that it involves the sale of a Council owned property.

Appendices

There are no appendices for this report.

Author: Bruce Hodgins
Divisional Manager, Parks and Gardens

Approved By: Matt Reid
General Manager City and Community Services

Policy and Regulatory

09 May 2017

File: (17/1641)

Report no: PRC2017/5/286

Days Bay Reserves Declaration and Classification

Purpose of Report

1. Consultation has been carried out to seek the community's view on a proposal to declare seven properties in Days Bay as reserve and classify them in accordance with the Reserves Act 1977. This report summarises the results of the public consultation and recommends that Council give approval to classify seven properties.

Recommendations

It is recommended that the Committee recommends that Council:

- (i) notes that seventeen submissions were received with fourteen submissions supporting the proposed reserve declaration and classification;
- (ii) thanks submitters for participating in the consultation process;
- (iii) agrees to declare areas A, B, C, D, E, F and G, illustrated on the plan in section seven of this report as reserve, in terms of section 14 of the Reserves Act 1977;
- (iv) agrees that areas A, B, C, D, F and G, illustrated on the plan in section seven of this report, be classified as Recreation Reserve in accordance with section 17 of the Reserves Act 1977;
- (v) agrees that area E, illustrated on the plan in section seven of this report, be classified as Scenic Reserve in accordance with Section 19(1)(b) of the Reserves Act 1977; and
- (vi) directs officers to publish the classifications, as resolved at this meeting, in the New Zealand Gazette.

Background

2. The Days Bay Residents' Association queried the reserve status of land in Williams Park in April 2017. In the process of responding, officers became aware that properties in Days Bay have not been classified under the

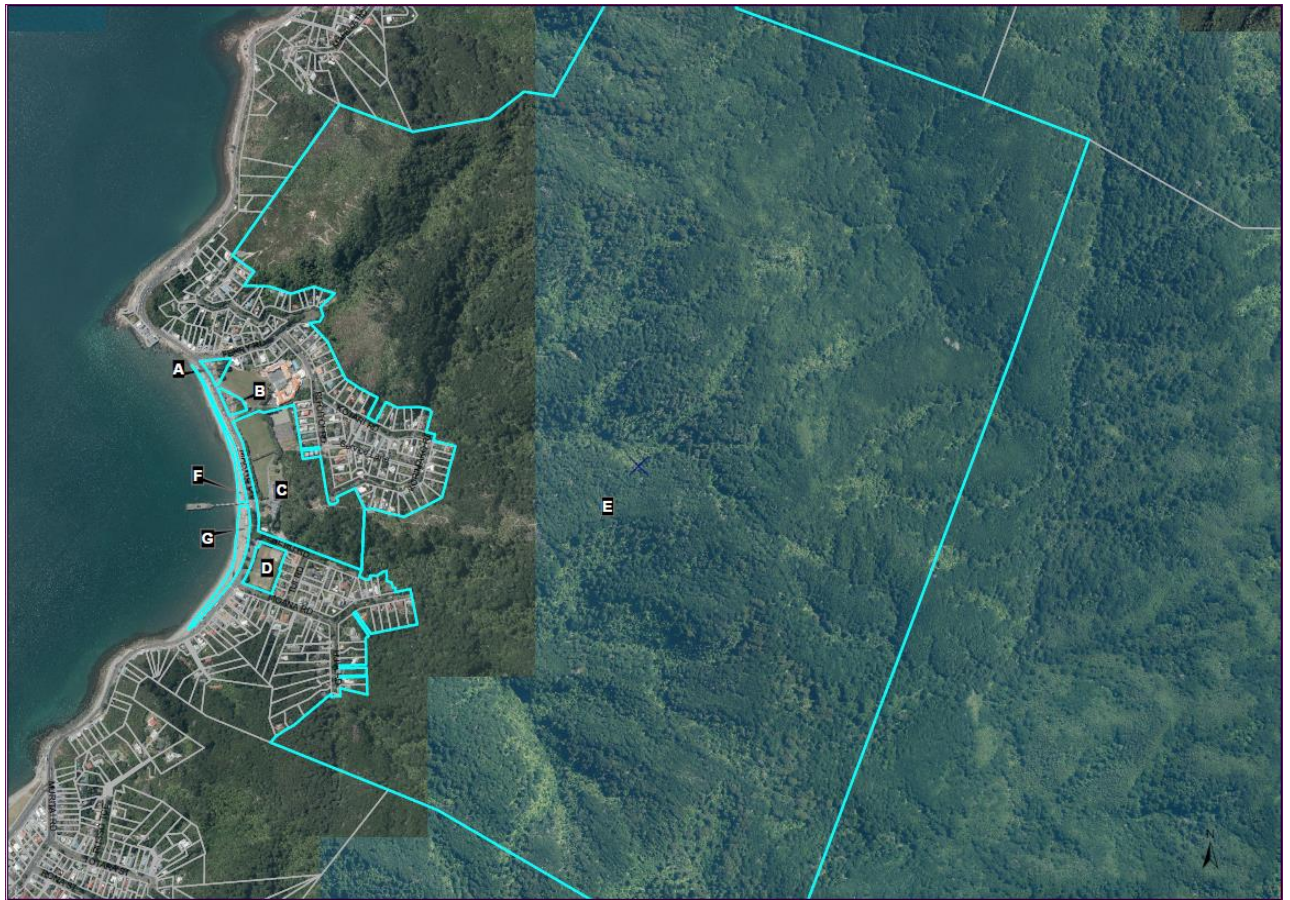
Reserves Act 1977. The properties have been managed as reserve since 1914 and some current and old Certificates of Title indicate an intention for them to be managed as reserve. Classification would reinforce the purpose for which the properties are held by Council and the updated status would enable the properties to be administered in a way that is consistent with most of the reserve properties owned by the Hutt City Council.

Discussion

3. Williams Park is a popular site in Days Bay and it offers a range of recreational opportunities. Land immediately east of Williams Park is managed by the Greater Wellington Regional Council and forms part of East Harbour Regional Park which is recognised for recreation, landscape and ecological values. Land on the seaward side of Eastern Bays Marine Drive in Days Bay is managed by Council and offers a range of coastal recreation opportunities.
4. There are four properties in Williams Park that have not been classified under the Reserves Act 1977. Another large parcel to the east has not been classified and is managed as part of the East Harbour Regional Park. Two properties on the seaward side of Eastern Bays Marine Drive have not been classified. All seven properties are owned by Hutt City Council and are managed as reserve.
5. Williams Park has been managed by the Hutt City Council since local government amalgamation in 1989. Prior to amalgamation the Park was owned and managed by the Wellington City Council and before that it was a privately owned by the Wellington Steam Ferry Company.
6. Strategic Direction 1 in Council's Reserves Strategic Directions sets out Council's expectation for land managed as reserve to be classified in accordance with the Reserves Act 1977.
7. Officers recommend that seven properties in Days Bay be classified.

	Legal Description	Size	Proposed Classification	Note
A	Part Section 33 Harbour District CTWN49C/741	.20795ha	Recreation Reserve	Part of Williams Park
B	Part Section 33 Harbour District CTWN49C/741	.19463ha	Recreation Reserve	Part of Williams Park
C	Part Section 33 Harbour District CTWN49C/741	5.6195ha	Recreation Reserve	Part of Williams Park
D	Part Section 33 Harbour District CTWN49C/741	.6508ha	Recreation Reserve	Part of Williams Park
E	Lot 2 DP 456938 CT591561	253.2814ha	Scenic Reserve 19(1)(b)	Part of East Harbour Regional Park
F	Pt Sec 33 Harbour District CTWN250/231	.2539ha	Recreation Reserve	Days Bay coast

G	Pt Sec 33 Harbour District CTWN250/231	.5434ha	Recreation Reserve	Days Bay coast
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Options

8. Council may wish to direct officers to report back on an area labelled C2 on the aerial plan below at a future meeting and consider whether this area is surplus to Council's reserve requirements. This option was not included in the 2017 consultation material as it was not considered at that time. Area C2 is approximately 1855m².



9. If Council determines that Area C2 is surplus to Council's reserve requirements, Council might eventually choose to specifically consider disposal of part of the property. The Public Works Act processes for dealing with surplus land held as a public work would need to be followed plus consultation in accordance with Section 138 of the Local Government Act 2002. Before Area C2 could be sold a plan change and subdivision would be required. If Area C2 is surplus, the remaining portion of Area C would be declared as reserve and classified as Recreation Reserve. If Area C2 is not surplus the entire Area C property would be declared and classified as Recreation Reserve.
10. Council could choose to not proceed with Reserves Act classification. However this is not in line with Council policy, which is to protect land held for reserve purposes by declaring it reserve under the Reserves Act 1977, according to its character and anticipated use.

Consultation

11. The Days Bay Residents' Association, East Harbour Environmental Association, Mainland Island Restoration Organisation, Eastbourne Historical Society, the Rununga, Wellington Tenth Trust, Port Nicholson Block Settlement Trust and Greater Wellington Regional Council were invited to comment on the classification and naming proposal.

12. A public notice inviting submissions on the proposal to declare and classify seven properties managed as reserve in Days Bay was published in the Eastbourne Herald 23 June and the Hutt News 22 June 2017. Copies are attached as Appendix 3 to the report.
13. Seventeen submissions were received. Fourteen submissions support the proposal. There are no objections. A summary of submissions is attached as Appendix 1 to the report. Individual submissions are attached as Appendix 2 to the report.
14. With her agreement, Linda Buchanan's submission SDB17/3 has been treated as a request for information rather than a submission.
15. Donald Long's submission SDB17/8 supports the proposed reserve declaration and classification on the proviso that Council alters the noise limits and timing of noisy events in Williams Park. Mr Long has been advised that the District Plan, not the Reserves Act classification process, manages noise. Mr Long's submission has been treated as neither supporting nor opposing the proposal.
16. The Mainland Island Restoration Trust SDB17/17 supports the proposal and requests that the four properties within Williams Park be classified as Scenic Reserve rather than the proposed Recreation Reserve. MIRO has been advised that, while scenic qualities are present, they are not the primary purpose of the four properties. The primary purpose of the properties is most closely aligned with the purpose of Recreation Reserve set out in Section 17 of the Reserves Act 1977.
17. The report was considered by the Eastbourne Community Board at its meeting on 7 November 2017 which resolved:

"That the Committee endorses the recommendations contained in the report, and adds that it supports all seven areas A, B, C (including area C2), D, E, F and G as reserve areas."

Legal Considerations

18. The Reserves Act 1977 sets out the process and considerations for classifying land as reserve under Sections 14, 17 and 19. Declaring and classifying land under the Reserves Act is the primary method used by the Hutt City Council to protect reserves and control their management.
19. Reserve land should be classified before leasing, licensing or preparing reserve management plans.
20. All seven properties are in the General Recreation Activity Area of the District Plan.

Financial Considerations

21. The cost of undertaking reserve classification is less than \$500. This has been funded from the Parks and Gardens operational budget.

Other Considerations

22. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of the local government in that it responds positively to Council's Reserves Strategic Directions strategy to protect land it owns for reserve purposes and classify it according to its character and anticipated use in under the Reserves Act 1977. It does this in a way that is cost-effective because the cost of implementing the recommendation is low.

Appendices

No.	Title	Page
1	Summary of Submissions - declare and classify 7 Days Bay properties as reserve - August 2017	28
2	Combined Submissions for 7 Reserve Properties in Days Bay Consultation - 2017	30
3	Hutt News and Eastbourne Herald copies of advertisements for Days Bay Reserve declaration and classification - June 2017	53

Author: Kelly Crandle
Asset Planner

Reviewed By: Bruce Hodgins
Divisional Manager, Parks and Gardens

Approved By: Bruce Sherlock
Strategic Projects Director

	Submitter	submission	Proposed Action
SDB17/1	Jan and Arnold Heine	Supports proposal to declare and classify 7 properties as reserve	Accept submission
SDB17/2	Wellington Tenth's Trust	Supports proposal to declare and classify 7 properties as reserve	Accept submission
SDB17/3	Linda Buchanan	Sought information about reserve status and clarification of reserve property boundaries	Officer responded with explanation and referred submitter to HCC website information. Officer e-mailed and offered to provide more information.
SDB17/4	Sarah and Jake McLaren	Submitter outlined the value of living near the reserves for their family. Supports proposal to declare and classify 7 properties as reserve	Accept submission
SDB17/5	Mike Cotsilinis	Submitter sees classification as a way to protect land managed as reserve from development. Supports proposal to declare and classify 7 properties as reserve	Accept submission
SDB17/6	Gail Thomson	Submitter sees classification as a way to protect land managed as reserve for future generations. Supports proposal to declare and classify 7 properties as reserve	Accept submission
SDB17/7	Donald Graham Thomson	Submitter recognises the recreational significance of the properties. Supports proposal to declare and classify 7 properties as reserve	Accept submission
SDB17/8	Donald Stuart Long	Supports the proposal to declare and classify 7 properties as reserve on the condition that Council reduces the permitted noise levels for early morning and late evening activities in Williams Park	Not appropriate for this Reserves Act process to deal with noise level issues which are a District Plan matter. Contact submitter and advise them to discuss the noise concerns with HCC Environmental Policy Division
SDB17/9	Craig Hunter	Submitter sees classification as a way to protect land managed as reserve from encroachment. Suggests that reserves could provide space for a higher road which would function as sea level rises. Supports proposal to declare and classify 7 properties as reserve.	Accept submission
SDB17/10	Lower Hutt Branch RF&BPSNZ	Supports proposal to declare and classify 7 properties as reserve for reasons outlined in the consultation material	Accept submission

	Submitter	submission	Proposed Action
SDB17/11	Gary James	Submitter sees classification as a way to protect land managed as reserve for future generations. Supports proposal to declare and classify 7 properties as reserve	Accept submission
SDB17/12	Mark Raymond Horgan	Submitter supports 7 properties being classified as reserve in order to protect their public use	Accept submission
SDB17/13	East Harbour Environmental Assoc.	Submitter strongly supports the proposal to declare and classify 7 properties as recreation or scenic reserves.	Accept submission
SDB17/14	Days Bay Residents Assoc.	Submitter strongly supports the proposal to declare and classify 7 properties as recreation or scenic reserves.	Accept submission
SDB17/15	Sarah Williams	Submitter sees classification as a way to protect land managed as reserve from development and to protect the natural environment. Supports proposal to declare and classify 7 properties as reserve	Accept submission
SDB17/16	Arleigh Stein	Submitter sees classification as a way to protect land managed as reserve from development and recognises that classified reserves require special consideration when development is being considered. Supports proposal to declare and classify 7 properties as reserve	Accept submission
SDB17/17	MIRO	Submitter strongly supports the proposal to classify 7 properties as reserve but has a preference for the 4 Williams Park properties to be Scenic rather than Recreation Reserve	The 4 proposed Recreation Reserve properties are located within the developed area of Williams Park. Managing these as Scenic Reserve would not enable the current focus on recreation provision to continue. Recommend that Recreation Reserve is more appropriate than Scenic Reserve. Recreation Reserve is not a lesser level of protection under the Reserves Act, it simply just focuses on different values.

INDEX OF SUBMISSIONS RECEIVED FOR THE CLASSIFICATION AND NAMING OF 7 PROPERTIES IN DAYS BAY



Submission Number	Submitters Name
SDB17/1	Jan and Arnold Heine
SDB17/2	Morris Te Whiti Love on Behalf of The Wellington Tenths Trust
SDB17/3	Linda Buchanan
SDB17/4	Sarah and Jake McLaren
SDB17/5	Mike Cotsilinis
SDB17/6	Gail Thomson
SDB17/7	Donald Graham Thomson
SDB17/8	Donald Stuart Long
SDB17/9	Craig Hunter
SDB17/10	Brenda Bridget Johnston (Chairperson of Lower Hutt Branch of Forest and Bird)
SDB17/11	Gary James
SDB17/12	Mark Raymond Horgan
SDB17/13	Felicity Rashbrooke on Behalf of the East Harbour Environmental Association Incorporated
SDB17/14	Malcolm Sanderson on Behalf of the Days Bay Residents Association
SDB17/15	Sarah Williams
SDB17/16	Arleigh Stein
SDB17/17	Terry Webb on behalf of MIRO

Submissions as at 9 August 2017

SDB17/1

From: Arnold Jan Heine [REDACTED]
Sent: Thursday, July 6, 2017 1:01 PM
To: Corporate Records
Subject: Declaration & Classification of Reserves

Declaration & Classification of Reserves in Days Bay

We agree with the proposal to declare as reserve and classify the seven properties in Days Bay as advertised in the Hutt News 27 June.

It will ensure the long-term protection of these areas for the use of the public, and ensuring access to the beach and East Harbour Regional Park. It will protect the whole beach frontage of Days Bay from development in the future.

Jan & Arnold Heine

[REDACTED]
Days Bay
Lower Hut 5013
Phone [REDACTED]

SDB17/2

Subject: FW: Consultation to declare and classify 7 HCC owned reserve properties in Days Bay as reserve

From: Morrie Love [REDACTED]

Sent: Wednesday, 28 June 2017 3:06 PM

To: Kelly Crandle

Subject: Re: Consultation to declare and classify 7 HCC owned reserve properties in Days Bay as reserve

Kia ora Kelly

I have had a good look at this and I think it all makes good sense.

Wellington Tenth Trust would fully support this classification of the seven properties.

signed

Morris Te W Love

Chairman

On 27/06/2017 10:11 AM, Kelly Crandle wrote:

Kia Ora Morrie.

In the next issues of the Eastbourne Herald and the Hutt News, a public notice will explain that Council will be considering a proposal to declare and classify seven properties in Days Bay as reserve. The Wellington Tenth Trust may wish to make a submission that supports or opposes the proposed declaration and classification. The deadline for submissions is 7 August 2017.

I have attached several documents which will be available to the public on the HCC website and at the Eastbourne Library. The website information will be "live" later this week.

Please call me if you have any questions. My number is 570 6774.

Kind regards

SDB17/2

Kelly Crandle
Reserves Planner

Hutt City Council, 30 Laings Road, Private Bag 31912, Lower Hutt 5040, New Zealand
T 04 570 6774 M 027 4444 986 W www.huttcity.govt.nz



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SDB17/3

From: contact@huttcity.govt.nz
Sent: Wednesday, August 2, 2017 12:25 PM
To: Corporate Records
Subject: Days Bay reserves declaration and classification

Name : Linda Buchanan

Email : [REDACTED]

Williams Park feedback :

Scenic Reserve feedback :

Days Bay coast feedback :

Overall comments : My understanding was that these areas were already reserves (at least Williams park)?

What is their current classification What does the reserve classification actually means in terms of what the council can do with the land now and before Our property directly backs onto the proposed Reserve, the photo is not very clear so it is difficult to see the actual property borders - does the purpose reserved impact any existing privately owned land - is it possible to get a clearer photo showing a clear demarcation between property boundaries

Linda Buchanan

[REDACTED]

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From: contact@huttcity.govt.nz
Sent: Wednesday, August 2, 2017 12:58 PM
To: Corporate Records
Subject: Days Bay reserves declaration and classification

Name : Sarah and Jake McLaren

Email : [REDACTED]

Williams Park feedback : We have lived in Days Bay for the last eleven years, and have two active boys who are now 13 and 16. During this time, the public space available for recreation in Williams Park has been incredibly valuable for us as a family. The boys have grown up playing soccer and rugby there, we have played tennis on the grass courts, and been involved in social events held on the fields such as the Eastbourne Battle of the Bays, the Wild Food Fair, and the annual Days Bay Picnic. We regularly exercise by walking and running on the tracks up behind the Pavilion. We therefore support confirming these four properties as Recreation Reserves. We consider that it is important that they are available for future generations in the same way as they have been available for us.

Scenic Reserve feedback : We support classifying the property to the east of Williams Park as a Scenic Reserve. This is a beautiful area that is an important part of the landscape in and around Days Bay, and also that functions as a recreational area for both local residents (including ourselves) and visitors. We support managing it not just for the benefit of people, but also to conserve biodiversity into the future. We hope that its classification as a Scenic Reserve will be accompanied by additional activities to manage pests and support the survival of indigenous flora and fauna in this area.

Days Bay coast feedback : The beaches to the south and north of Days Bay Wharf are well used both in the summer and winter by local people and visitors. We consider that it is important that these beaches continue to be available for the enjoyment of future generations in the same way as they have been available to our family. As we live on Ferry Road in Days Bay, we regularly walk on the beach and swim/paddleboard/kayak here in the summer. The beaches are also an important tourist attraction for the Wellington region. We therefore support their classification as Recreation Reserves.

Overall comments :

Sarah and Jake McLaren

[REDACTED]

We have lived in Days Bay for the last eleven years, and have two active boys who are now 13 and 16. During this time, the public space available for recreation in Williams Park has been incredibly valuable for us as a family. The boys have grown up playing soccer and rugby there, we have played tennis on the grass courts, and been involved in social events held on the fields such as the Eastbourne Battle of the Bays, the Wild Food Fair, and the annual Days Bay Picnic. We regularly exercise by walking and running on the tracks up behind the Pavilion. We therefore support confirming these four properties as Recreation Reserves. We consider that it is important that they are available for future generations in the same way as they have been available for us.

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The beaches to the south and north of Days Bay Wharf are well used both in the summer and winter by local people and visitors. We consider that it is important that these beaches continue to be available for the

SUB17/4

enjoyment of future generations in the same way as they have been available to our family. As we live on Ferry Road in Days Bay, we regularly walk on the beach and swim/paddleboard/kayak here in the summer. The beaches are also an important tourist attraction for the Wellington region. We therefore support their classification as Recreation Reserves.

Name	Mike Cotsilinis
Email	[REDACTED]
Williams_Park_feedback	<p>I support the proposal.</p> <p>The area is unique in Wellington, providing a hills to the sea recreation area in an urban setting. The area needs to be protected from development. Protecting the area also means that the green spaces will be managed and maintained, and possibly additional public facilities could be added in the future.</p>
Scenic_Reserve_feedback	<p>I support the proposal.</p> <p>The area is unique in Wellington, providing a hills to the sea recreation area in an urban setting. The area needs to be protected from development. Protecting the area also means that the green spaces will be managed and maintained, and possibly additional public facilities could be added in the future.</p>

SDB17/5

Days_Bay_coast_feedback	<p>I support the proposal.</p> <p>The area is unique in Wellington, providing a hills to the sea recreation area in an urban setting. The area needs to be protected from development. Protecting the area also means that the green spaces will be managed and maintained, and possibly additional public facilities could be added in the future.</p>
Overall_comments	I support the proposal. If this removes any confusion about the status of the Williams Park recreation area, then this has to be a good thing.
Submitted_from	41119
Time	01-08-17 22:50
By_user	
Finalized	TRUE

SDB17/6

Name	Gail Thomson
Email	
Williams_Park_feedback	I support this proposal to protect these pieces of land as reserves. A great way to protect land for further generations to use!
Scenic_Reserve_feedback	I support this proposal to protect these pieces of land as reserves. A great way to protect land for further generations to use!
Days_Bay_coast_feedback	I support this proposal to protect these pieces of land as reserves. A great way to protect land for further generations to use!
Overall_comments	I support this proposal to protect these pieces of land as reserves. A great way to protect land for further generations to use!
Submitted_from	41119
Time	01-08-17 19:45
By_user	
Finalized	TRUE

SDB17/7

Name	Donald Graham Thomson
Email	[REDACTED]
Williams_Park_feedback	<p>Fully support this proposal. This is an area of longstanding recreational significance to the people of not only this city but of the Greater Wellington Region.</p> <p>It's purchase was instituted by public subscription and donation.</p>
Scenic_Reserve_feedback	<p>Fully support this proposal. This is an area of longstanding recreational significance to the people of not only this city but of the Greater Wellington Region.</p>
Days_Bay_coast_feedback	<p>Fully support this proposal. This is an area of longstanding recreational significance to the people of not only this city but of the Greater Wellington Region.</p>
Overall_comments	Fully support this proposal. Th bush and beach areas compliment William Park and enhance it's setting
Submitted_from	41119
Time	01-08-17 16:28
By_user	
Finalized	TRUE

SDB17/8

Name	Donald Stuart Long
Email	[REDACTED]
Williams_Park_feedback	I support the proposal, but with one proviso. The Council has been allowing Williams Park to be used on summer evenings for late night noisy events, such as concerts and open-air film shows. On still nights, this results in unacceptably loud noise unacceptably late in the evening. I ask that the Council place limits on and monitor the allowed dB level, with a requirement that music and film tracks cease by 10 pm. Similarly, when events such as bike races start before 10 am, I ask the Council only allow these to be started with noiseless methods, and not starting guns and similar. Starting flags are an appropriate alternative.
Scenic_Reserve_feedback	
Days_Bay_coast_feedback	
Overall_comments	If the Council choses not to limit the dB level of early morning and late evening activities in Williams Park and on the beach and wharf, then I oppose the recreation reserve designation, and propose scenic reserve designation instead.
Submitted_from	41119
Time	31-07-17 15:30
By_user	
Finalized	TRUE

SDB17/9

Name	Craig Hunter
Email	████████████████████
Williams_Park_feedback	Yes. This needs to be done. The existing use needs to be protected from encroachment.
Scenic_Reserve_feedback	Yes. This needs to be done. The existing use needs to be protected from encroachment - other than preserving the right to cut a road through this area should a rise in sea level prohibit use of existing roads around York to Lowry Bay.
Days_Bay_coast_feedback	Yes. This needs to be done. The existing use needs to be protected from encroachment - other than preserving the right to cut a road through this area should a rise in sea level prohibit use of existing roads around York to Lowry Bay.
Overall_comments	Yes. This needs to be done. The existing use needs to be protected from encroachment - other than preserving the right to cut a road through this area should a rise in sea level prohibit use of existing roads around York to Lowry Bay.
Submitted_from	41119
Time	31-07-17 14:51
By_user	
Finalized	TRUE

SDB17/10

Name	Brenda Bridget Johnston (Chairperson of Lower Hutt Branch of Forest and Bird)
Email	[REDACTED]
Williams_Park_feedback	We support the proposal as it enables an updated Certificate of Title to be issued for each property and ensures that each property is clearly understood to be a Recreational reserve under the Reserves Act
Scenic_Reserve_feedback	We support this proposal to declare and classify one property in East /Harbour Regional Park East of Williams Park as Scenic Reserve. This classification is consistent with most other properties within the Regional Park. The Scenic Reserve status enables an updated Certificate of Title to be issued and that the property receives the appropriate legal protection according to the Reserves Act
Days_Bay_coast_feedback	We support this proposal to declare and classify two properties on the Days Bay Coast as Recreational Reserve. These properties are currently being used for recreational purposes. This enables an updated Certificate of Title to be issued for each property and ensures that each property is clearly understood to be a Recreational Reserve under the Reserves Act.
Overall_comments	The Lower Hutt Branch of Forest and Bird endorses the proposal as presented to recognise these seven pieces of land as Reserve. This ensures that these properties will be issued with updated Certificates of Title and receive the appropriate legal protection according to the Reserves Act.
Submitted_from	41119
Time	28-07-17 16:29
By_user	
Finalized	TRUE

SDB17/11

Name	Gary JAMES
Email	[REDACTED]
Williams_Park_feedback	I support the proposal
Scenic_Reserve_feedback	I support the proposal
Days_Bay_coast_feedback	I support the proposal
Overall_comments	I support the proposal as we need to protect these properties for generations in the future as scienic reserve
Submitted_from	41119
Time	28-06-17 17:03
By_user	
Finalized	TRUE

SDB17/12

Name	Mark Raymond Horgan
Email	[REDACTED]
Williams_Park_feedback	As an Eastbourne resident, I fully support these 4 properties being officially designated as Recreation Reserves in order to protect their public use.
Scenic_Reserve_feedback	As an Eastbourne resident, I fully support this property being officially designated as Scenic Reserve in order to protect its public use.
Days_Bay_coast_feedback	As an Eastbourne resident, I fully support these 2 properties being officially designated as Recreation Reserves in order to protect their public use.
Overall_comments	As an Eastbourne resident, I fully support these 7 properties being officially designated as 'reserves' in order to protect their public use.
Submitted_from	41119
Time	02-08-17 7:34
By_user	
Finalized	TRUE

SDB17/13

From: Rashbrookes <[REDACTED]>
Sent: Friday, August 4, 2017 3:58 PM
To: Corporate Records
Subject: submission on reserves in Days Bay
Attachments: Days Bay reserves classification.docx

Please find attached the EHEA submission on: Declaration and Classification of reserves in Days Bay

Felicity Rashbrooke
EHEA chair

 EASTBOURNE NEW ZEALAND

Chief Executive Officer
Hutt City Council
Private Bag 31912
Lower Hutt 5040

4 August 2017

Dear Mr Stallinger

Submission in support of proposal to declare and classify as reserve 7 parcels of land in Days Bay

The East Harbour Environmental Association (EHEA) wholeheartedly supports the gazettal of these areas of land in Days Bay as reserve. As a local environmental group of 40+ years standing we have been involved with the bush reserves in Days Bay (Williams Park) over these 40 years.

It has long been our view that these areas should be classified as reserves. The area that is proposed to be "Scenic Reserves" is already part of the East Harbour Regional Park, and it would be consistent with this for them to have this classification.

In addition the original parcel of land was acquired by gift together with public funds, and gifted to a local authority. Further land purchase was from public funds.

The areas to be classified as "Recreation Reserve" are currently used for this purpose, and were gifted to Hutt City by Wellington City Council, and this classification would regularise this usage.

We applaud Hutt City for proposing this measure.

Should you have any questions to put to us we would be happy to answer these.

Sincerely

Felicity Rashbrooke

EHEA Chair

SDB17/14

From: [REDACTED]
Sent: Friday, August 4, 2017 4:05 PM
To: Corporate Records
Subject: Days Bay: Declaring and classifying 7 properties as reserves

Hi,

The Executive Committee of the Days Bay Residents Association approved the following submission on Thursday 3rd August:

Submission to Hutt City Council re: Days Bay - Declaring and classifying 7 properties as reserves

The Days Bay Residents Association strongly supports the proposal to declare and classify all seven properties as recreation or scenic reserves.

We note that this is an administrative clarification, as these properties were reserves prior to 1977 and should have been noted as being so classified when the Reserves Act 1977 came into force.

The Williams Park grounds and the foreshore rights were purchased in 1914 with the assistance of public donations (notably from Mrs W R Williams) explicitly for public purposes, and continue to provide amenities used by large sections of the population of Lower Hutt as well as by the more local community.

Regards,
Malcolm Sanderson
President, Days Bay Residents Association

SDB17/15

From: contact@huttcity.govt.nz
Sent: Friday, August 4, 2017 9:37 PM
To: Corporate Records
Subject: Days Bay reserves declaration and classification

Name : Sarah Williams

Email [REDACTED]

Williams Park feedback :

Scenic Reserve feedback :

Days Bay coast feedback :

Overall comments : I support the proposal to classify the properties as reserves to protect these spaces from any development and keep as they are are protect the natural environment.

Sarah Williams

[REDACTED]

I support the proposal to classify the properties as reserves to protect these spaces from any development and keep as they are are protect the natural environment.

SDB17/16

From: contact@huttcity.govt.nz
Sent: Sunday, August 6, 2017 9:29 PM
To: Corporate Records
Subject: Days Bay reserves declaration and classification

Name : Arleigh Stein

Email : [REDACTED]

Williams Park feedback :

Scenic Reserve feedback :

Days Bay coast feedback :

Overall comments : I think it's important to the unique community of Eastbourne that we have these properties protected. Declaring them to be reserves will put a mechanism in place to require very thoughtful consideration before these properties can have their natural beauty despoiled by development. Please declare them to be reserves, for the enjoyment of the public.

Arleigh Stein

[REDACTED]

I think it's important to the unique community of Eastbourne that we have these properties protected. Declaring them to be reserves will put a mechanism in place to require very thoughtful consideration before these properties can have their natural beauty despoiled by development. Please declare them to be reserves, for the enjoyment of the public.

SDB17/17

From: Terry Webb <[REDACTED]>
Sent: Monday, August 7, 2017 11:10 AM
To: Corporate Records
Subject: MIRO submission on classifying Days Bay land as reserves

Please see attached.



Terry Webb
Chair, MIRO

H: [REDACTED]
M: [REDACTED]



SDB17/17

Mainland Island Restoration Operation (Inc.)

[REDACTED]
Lower Hutt 50477th August 2017Hutt City Council
Private Bag 31912
Lower Hutt 5040

Dear Hutt City Council,

RE: Proposal to Declare and Classify 7 Properties in Days Bay as Reserves

MIRO is an entirely volunteer organisation, working in partnership with Greater Wellington Regional Council to restore the forest and lake ecosystems in East Harbour Regional Park. More recently, we have initiated the ERAT Project, working with Hutt City Council (along with funding from the Ministry for the Environment), to control pest animals in the urban area (Eastbourne and the Bays) as well as the foreshore.

MIRO strongly supports the HCC proposal to classify 7 properties in Days Bay as reserve land. These properties are an important public asset in terms of their recreational and environmental value and need to be given as much legal protection as possible so that they remain as they are. In particular, we would like to see:

1. The 4 properties in Williams Park classified as Scenic Reserve, rather than Recreation Reserve, so as to provide stronger protection from development;
2. The 1 property in East Harbour Williams Park as Scenic Reserve (as proposed); and
3. The 2 properties on the Days Bay coast as Recreation Reserve (as proposed).

Yours faithfully,

Terry Webb
Chair, MIRO

Declaration and Classification of reserves in Days Bay

Hutt City Council will be considering a proposal to declare as reserve and classify seven properties in Days Bay in accordance with Sections 14 and 16 of the Reserves Act 1977. All parcels are owned by the Hutt City Council for reserve purposes. A report on the proposal will be presented to the September 2017 round of Council meetings.

Legal Description	Proposed Classification
four properties described as Parts Sec 33 Harbour District CTWN49C/741	Recreation Reserve
Lot 2 DP 456938 CT591561	Scenic Reserve 19(1)(b)
two properties described as Parts Sec 33 Harbour District CTWN250/231	Recreation Reserve

Written submissions supporting or opposing the proposal should be sent to Hutt City Council, Private Bag 31912, Lower Hutt or by e-mail to submission@huttcity.govt.nz

The deadline for submissions is Monday, 7 August 2017.

Further information about the proposal, including a plan, is available on huttcity.govt.nz/days-bay. Alternatively contact Kelly Crandle, phone (04) 570 6666.

Tony Stallinger
Chief Executive

huttcity.govt.nz

HUTT CITY
TE AWA KAIRANGI

Declaration and Classification of reserves in Days Bay

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The deadline for submissions is Monday, 7 August 2017.

Further information about the proposal, including a plan, is available on huttcity.govt.nz/days-bay. Alternatively contact Kelly Crandle, phone (04) 570 6666.

Tony Stallinger
Chief Executive

huttcity.govt.nz

HUTT CITY
TE AWA KAIRANGI

31 October 2017

File: (17/1692)

Report no: PRC2017/5/291

Parking Policy - completed consultation

Purpose of Report

1. Report back on the consultation completed on the Parking Policy.
2. Seek committee's approval to take Parking Policy to Council for adoption.

Recommendations

It is recommended that the Committee recommends that Council approves the Parking Policy, as attached as Appendix 2 to the report, with the changes made as a result of the consultation process.

For the reasons:

The parking policy sets out a rationale and framework for assessing and making decisions regarding council managed parking in the city.

The policy will assist Council officers to make consistent decisions regarding parking assets.

Background

3. At its meeting on 25 September 2017, Council's Policy and Regulatory Committee approved a draft Parking Policy for consultation. Following this decision, officers:
 - designed a short consultation survey;
 - arranged a workshop and meetings with stakeholders; and
 - attended a public meeting arranged by the Petone Community Board
4. The consultation and survey was publicised on Council's website and in the media. Thirty nine (39) submissions were received although not all submitters completed the survey.

5. During stage 1 of the work to develop the policy officers had engaged with agencies and individuals, particularly in relation to discussing the context and forming the objectives for the policy. As part of the consultation a workshop was arranged for stakeholders to discuss their views on the proposed policy. The workshop was attended by representatives of Greater Wellington Regional Council, Living Streets, Healthy Families Lower Hutt, and a resident of the city with an interest in mobility parking. A meeting was held with a representative from CSS Disability who could not attend the workshop. Other stakeholders did not attend the meeting for various reasons. Additionally, officers from the Transport Team and Strategy and Planning attended a public meeting to discuss the policy document arranged by Petone Community Board on 31 October 2017.

Discussion

6. The results of the survey along with a summary of comments are presented below. The full comments are contained in Appendix 1 attached to the report.
7. Twelve respondents focused solely on their opposition to paid parking in Jackson Street, Petone, and did not use the submission form. These respondents appear to have been informed that the policy proposes paid parking in Jackson Street. The policy document does not include a proposal to introduce paid parking in Jackson Street nor does it propose specific intervention in any other area of the city. The Parking Policy sets out a rationale and framework for assessing and making decisions regarding council managed parking in the city.
8. Several other individuals responded to the consultation by email and did not complete the questions. Below is a summary of the main points:
 - A holistic view of parking as part of transport system, how Council allocates road-space, and ensures good access to the city.
 - Sets out a consistent rationale and shows how assessments will be done in individual situations.
 - Concern that the policy was taking a 'one size fits all approach' with regard to the mechanism of pricing.
 - Generally supportive of the hierarchy with suggestions in relation to the priorities in some categories, as well as clarification regarding practical implementation.
 - Does the approach adequately cover transport planning for events in the city e.g. how to include public transport and active transport in planning for events?
 - Ensuring that assessments consider the possible effects of imposing or changing restrictions on nearby areas i.e. the potential displacement of problems.

9. Do you agree with the objectives for supply and management of parking in the city?

Response	Number of submitters	%
Strongly disagree	1	5%
Disagree	2	10%
Agree	10	50%
Strongly agree	7	35%

Twenty submitters replied to the question. Overall there was strong agreement with the objectives set out in the consultation. Respondents welcomed the focus on the safe movement of people, ensuring access to the city by a range of modes of transport, and supported environmental resilience. There were specific comments regarding the general nature of the objectives and that the objectives weren't prioritised.

10. Do you agree with the approach Council has taken i.e. using the New Zealand Transport Agency's One Network Road classification, and land uses identified in New Zealand Standard 4404?

Response	Number of submitters	%
Strongly disagree	3	16.7%
Disagree	2	11%
Agree	5	27.8%
Strongly agree	4	22%
Don't know	4	22%

Eighteen submitters responded to this question. There was general agreement with the proposal to use the road classification along with the land-use classifications. A number of respondents agreed that the approach taken was logical and that it is one adopted elsewhere. However, several submitters, whether or not they agreed with the hierarchy, felt that NZS 4404 required better explanation. This point is also reflected in the fact that a number of submitters replied Don't Know to this question. Individual submitters wanted to see greater priority given to some of the categories in the hierarchy. Several respondents also wanted further explanation regarding how officers will apply the hierarchy, particularly in areas which have a mixture of land uses, where residential areas are bordered by or in close proximity to commercial or industrial developments. The amended

policy document includes further explanation of NZS4404 and how Council's Transport Team would apply the policy framework.

11. Do you agree with the priority given to groups of users and movements within the types of areas identified?

Response	Number of submitters	%
Strongly disagree	2	11%
Disagree	2	11%
Agree	10	55.6%
Strongly agree	3	16.7%
Don't know	1	5.6%

Most of the 18 respondents agreed with the priority given to the categories within the areas identified in the hierarchy. Again, several respondents suggested slightly different priorities within the land-use areas. A number of comments were made about the importance of how the hierarchy is applied in practice e.g. that its application is sensitive enough to pick up on the pressures caused in one area e.g. Live and Play, by users in nearby areas of Make, Grow and Move, etc. These comments relate to the diverse nature of development in the city and the hierarchy is a guide to managing the use of road-space. Assessments for particular areas would include the local pressures caused by nearby land-uses and developments.

12. Do you agree with council's proposed approach to mobility parking?

Response	Number of submitters	%
Strongly disagree	0	0%
Disagree	2	11%
Agree	15	83%
Strongly agree	1	5.6%

Eighteen people replied to this question and the majority agreed with the proposals. Specific comments were made about ensuring that mobility spaces were in the right locations and designed appropriately e.g. in terms of size. Those who selected 'disagree' felt that the city had an adequate supply of mobility spaces or that more focus should be placed on providing mobility spaces at or close to community facilities.

13. What do you think of how Council will assess local parking issues and whether to intervene?

Fifteen respondents replied to this question. Some respondents wanted Council to intervene proactively, for example to:

- prioritise the use of road-space to improve access by public or active transport;
- improve situations in particular areas of the city where they live and/or work and where there is pressure on on-street parking;
- ensure turnover in parking in the city.

Other comments included:

- that Council should not introduce paid parking to Jackson Street;
 - that Council should include public consultation into the intervention process;
 - improving enforcement of parking violations in the city; and
 - supporting resident parking as long as the cost of permits is fair.
 - several respondents from High Street, Petone, submitted in support of the resident parking scheme that Council established there in July 2012.
14. Additional comments from the survey included descriptions of parking pressures in particular areas, support for working with private providers and businesses, improving the public and active transport options to improve access to areas of the city, ensuring that interventions are regularly reviewed as areas change, and improving the safety of carpark areas such as The Riverbank and Peel Street in Petone.

Changes to policy document

15. As a result of the consultation discussions officers have made the following changes to the policy document.

Scope

16. In terms of scope, clarify that the document relates to parking that is managed by Council. The policy refers to working with other providers, and Council still need to do this, however its focus is directly on Council's on-street parking and off-street parking.

Objectives

17. Amend objective one to place the emphasis on prioritising the safe movement of people.

Road-space hierarchy

18. In terms of the hierarchy, further explain the use of the land-use classification used along with clarifying that the hierarchy will be used as a guide to prioritising the use of road-space with consideration given to the pressures that different land-uses in or near particular areas are causing.
19. The Road-space Hierarchy adopts the land use types from New Zealand Standard 4404: 2010 – Land development and subdivision infrastructure, rather than Hutt City’s District Plan Activity Areas (also commonly known as zones). The District Plan Activity Areas have clearly defined boundaries and are used to define and control the activities that are permitted in those areas. Adoption of the NZS4404 land uses is also appropriate as new roads are required to meet this engineering standard under Chapter 14A (Transport) of the District Plan (under Plan Change 39).
20. By using the more generalised land uses adopted in NZS4404 when considering the use of road-space, Council will be better able to consider areas with mixed land use types, such as where shops are located within residential areas, or apartments are located within commercial areas. The Hierarchy will assist Council to achieve more consistent decision making in consideration of road-space use and parking matters, but officer judgement will still be required due to the numerous combinations of land use and parking demand.
21. Officers considered the comments of submitters in terms of re-prioritising individual categories within the hierarchy. However, as the hierarchy is used as a guide it was felt that moving categories up or down one or two spaces would not make a practical difference in the way it is applied.

Mobility parking

22. Mobility parking – improve the explanation around the longer time periods allowed for people with mobility permits.
23. Make 120 minutes the default time allowed for people with permits in specified mobility spaces.

Electric Vehicle parking

24. Electric vehicles – as this is covered in Council’s work with other Councils in the region we propose removing this from the policy document.

Intervention

25. Further clarify that the policy framework will be used proactively by Council to ensure that the use of road-space and parking is meeting its objectives, and to assess requests from other parties in relation to road-space and parking. Clarify the explanation with regard to achieving 85% occupancy for on-street parking.
26. Add reference to public consultation with regard to any specific changes proposed in the future in the intervention section.
27. As noted above, the Parking Policy sets out a rationale and framework for assessing and making decisions regarding the management of council

managed parking in the city. In applying the policy, assessments will be conducted on a case by case basis – rather than taking a one size fits all approach as said by some submitters – and will explore the character and land-use of the particular area being investigated and nearby areas using road-space hierarchy, and data on parking use. The hierarchy section also describes how the policy will consider individual situations in any assessment work.

Resident parking

28. Delete the detail in terms of resident parking e.g. the maximum number of permits, annual renewal, and non-transferrable status of permits. This allows the required flexibility when assessing any need for schemes in the city.

High Street, Petone – resident parking scheme

29. The current High Street, Petone, scheme was established as part of measures to better manage on-street parking in areas around the WelTec campus in Petone at the same time as Council was considering 'Proposed District Plan Change 25 to introduce a Tertiary Education Precinct under the Resource Management Act and associated policies and controls that would only apply to the WelTec Campus'. (See Report no: PCB2012/3/110)
30. Time restricted parking was introduced in nine streets in the area with a resident parking scheme established in High Street in July 2012 that operates Monday to Friday between 8am and 6pm. A review in 2013 found that the busiest time of the day had occupancy levels of between 65% and 88%. (Report no: PCB2013/4/215 (4). The scheme provides residents with as many permits as there are cars belonging to residents. Permits are free. The majority of houses in High Street have off-street parking.
31. The parameters of this scheme e.g. as many permits as there are cars, and no allowance for off-street parking available to households is not sustainable in terms of an overall approach to managing resident parking in the city. Council will need to consider whether this approach is useful going forward. The report to the Petone Community Board in 2013 notes that further review of the scheme can be carried out if/when on-street parking demand changes (option 3 in the 2013/4/215 paper). Plan change 25 sought to amend the relevant activity areas of the District Plan to specifically provide for the on-going use and development of WelTec's tertiary education facilities within the existing campus and became operative in November 2013. The parking scheme could be reviewed under the framework of the proposed policy.

Options

32. The options for Council in terms of the policy framework are:
 - a. Approve the policy with the changes above.
 - b. Approve the policy with changes above and any further changes that Council requires.
 - c. That Council does not approve the policy.

Legal Considerations

33. None

Financial Considerations

34. None.

Other Considerations

35. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of the local government in that it deals with one of Council's core activities i.e. a component of the city's transport system and access to the city.
36. A consistent approach to parking management will mean that the transport network overall will be more efficient and responsive to changing need in the city and contribute to shaping the city for the future. It does this in a way that is cost-effective because it seeks to make the best use of current parking resources, contributes to improving access to the city by other transport modes, and ensures that Council's approach to parking contributes to economic growth and resilience.

Appendices

No.	Title	Page
1	Parking consultation A1 - 9 November 2017	62
2	Parking policy - P&R 27 November 2017	95

Author: John Pritchard
Senior Research/Policy Advisor

Reviewed By: Wendy Moore
Divisional Manager, Strategy and Planning

Approved By: Kim Kelly
General Manager, City Transformation

Appendix 1

Report: Response Statistics by Category

Response field Number and Name: 1.-Introduction and Objectives																	
Question: Do you agree with the objectives for supply and management of parking in the city?																	
Total number of responses:20																	
Decision Sought	Number of submitters who selected this option	%															
Strongly disagree	1	5.00%															
Disagree	2	10.00%															
Agree	10	50.00%															
Strongly agree	7	35.00%															
<p>1.-Introduction and Objectives</p> <table border="1"> <caption>Data for Bar Chart: 1.-Introduction and Objectives</caption> <thead> <tr> <th>Decision Sought</th> <th>Number of submitters</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Strongly disagree</td> <td>1</td> <td>5.00%</td> </tr> <tr> <td>Disagree</td> <td>2</td> <td>10.00%</td> </tr> <tr> <td>Agree</td> <td>10</td> <td>50.00%</td> </tr> <tr> <td>Strongly agree</td> <td>7</td> <td>35.00%</td> </tr> </tbody> </table>			Decision Sought	Number of submitters	%	Strongly disagree	1	5.00%	Disagree	2	10.00%	Agree	10	50.00%	Strongly agree	7	35.00%
Decision Sought	Number of submitters	%															
Strongly disagree	1	5.00%															
Disagree	2	10.00%															
Agree	10	50.00%															
Strongly agree	7	35.00%															
Submitters for this question																	
Agree 8 - Joshua Thurston: I think that environmental resilience should be higher; the more connected people are by multiple modes of transport, the more resilient a transport network will be.																	
Strongly agree 9 - Paula Warren: Public roads and parks are a limited resource, and need to be used to optimise the																	

quality of the city. Car parking is a use which has a negative effect on public spaces - making them less attractive and less safe. Parking also impedes movement of the highest priority road users - of walkers, cyclists and buses. It should therefore only be allowed if that will contribute to other objectives. Provision of parking and parking pricing is an important Travel Demand Management mechanism. It needs to be actively used for that purpose. Streets are not small roads. Streets are the most ubiquitous public open space in most of Hutt City. How they are used greatly affects amenity and liveability. Consider, for example, the streets I pass through when going from Woburn station to the Hutt Art Society. The first part is lovely - little traffic, few parked cars, a lot of trees and green space, some seating. But the next part is a very different experience. The roads are wide, have more traffic, but are also dominated by parked cars rather than trees. My walk then goes through the Hutt Recreation Ground - quite nice unless there are lots of cars manoeuvring into and out of carparks there, making the last part of that walk hazardous. And then back into a car parking-dominated space. The Inanga Love Park project I helped run during the Common Ground Festival is another good example. In that case we took a neglected bit of transport corridor and turned it into a mini park. With a bollard missing, we often arrived to do work and found people parked in there, often sitting in their car, often blocking the cycleway/walkway. There was a lot of illegal dumping happening, and a lot of littering. With a new bollard in place, the parking has stopped, the dumping and littering problem has largely ceased, and the area is now a safe, people place, and well used. Carparking adds significant risks to walkers and cyclists. For cyclists cars backing out of angle parking and opening car doors in parallel parking are the main hazards created. But they can also reduce visibility - for the cyclist trying to see hazards ahead, and for other road users trying to see whether there is anyone using the traffic lane. For walkers the main risk is when trying to cross the road.

Strongly agree

11 - Steph McGhie: Over the past few years central hutt and the surrounding areas have changed drastically including the area in which i live with my young family and nothing has been done to the parking to keep up with this change, We have had issues with parking down our street for years and are really looking forward to some change.

Agree

13 - Nicola & Peter Prichard: The objective are generally sensible, positive towards the local community and environment, however they could have been cut and pasted from any other Council, and do not acknowledge any unique characteristic of the Hutt Valley. There must be some form of recognition the commuter rail corridor, the linear nature of the river valley community and the unique nature of Petone's heritage value and limitations. The Hutt's proximity to Wellington is also important and contributes to some of the parking demands therefore the policy should work with the great Wellington area and requirements of residents working in the Wellington CBD. The Hutt is very fortunate that it has easily accessible rail connections and a green space through the centre with the river corridor and these aspects must be capitalised on when thinking about transportation, parking demands and steps of invention. The Hutt is not like other towns, or cities such as Dunedin, Hamilton or even Christchurch and Auckland, nor is it directly like Wellington, with very limited parking, however quality leadership from the Council on sustainable transport is very important and prioritising parking is part of this. .

Agree

14 - Richelle Okada: There is nothing wrong with these objectives.

Strongly disagree

15 - John Fryer: seems a pie in sky written by persons not in real world..... I have a head injury and find reading this document a challenge and fatiguing and written by a scholar . I am better at personal presentation and have limited ability since accident to do letters and submissions. Some of what I read (limited understanding of some of what has been written) seems unreal and untested....I see no stats to back them up

Agree

16 - Nicola Bray: well these seem to be good platitudes

Disagree

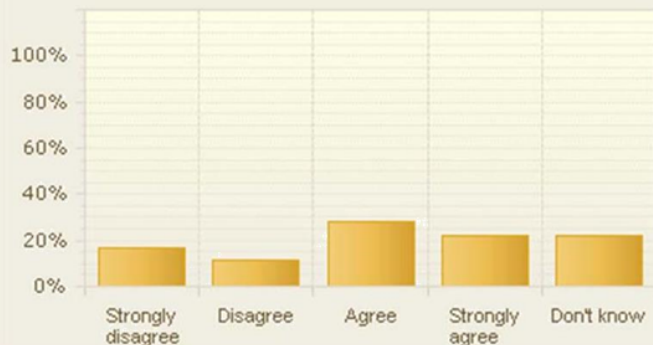
17 - Simon Davis: I would like to see an emphasis on walking, cycling, and public transport first and foremost, then safety then environment then equity of access, and only then prioritising the efficient movement

goods.
Strongly agree 19 - Tim Priest: I strongly agree that the safe and efficient movement of people should be prioritised. I interpret this as providing safe walking and cycling networks and priority for public transport, since these are the most efficient means of moving people. I also strongly agree that quality of place should be prioritised over mass provision of parking. Prioritising these two objectives will also enable the other objectives to be achieved.
Agree 20 - Hamed Shafiee: Good objectives, though it is not clear whether these are listed based on the priorities or it is just a list without ranking.
Agree 21 - Karen Molloy: It seems to me that making parking free with time limits that suit the main purpose of the area is the best way to ensure equitable access to parking. Paid parking in Hutt City CBD is a major turn off for short term shoppers on High Street. The council should make these free for the sake of our local businesses.
Strongly agree 24 - Megan Toms: it is important that we have a safe environment for everyone to be able to move about in whether its walking, cycling or driving
Disagree 25 - Colin Partington: No 4. Walkable and friendly city accessible to all transport modes. This doesn't reflect the differing need and expectations of divergent areas. An example is that some streets are unsuitable for trucks to be using. Some streets are dangerous to everyone if cyclists or pedestrians are present. Some parts of the city would be safer and improved if no vehicle access was permitted. .Our aims should reflect that we need to be responsive to the specific needs of an area. NO 5. No mention of business. Education providers, infrastructure providers. Define Quality: Giving clients what they see as the best service for them. Often quality as used is: doing what we think and tough luck if you disagree. Need to reflect that this is guarded against.
Agree 27 - Andrea Bolton: Covers all bases and especially focuses on people!

Response field Number and Name: 2-Use of the New Zealand Transport Agency's One Network Road classification		
Question: Do you agree with the approach Council has taken i.e. using the New Zealand Transport Agency's One Network Road classification, and land uses identified in New Zealand Standard 4404?		
Total number of responses:18		
Decision Sought	Number of submitters who selected this option	%
Strongly disagree	3	16.67%
Disagree	2	11.11%

Agree	5	27.78%
Strongly agree	4	22.22%
Don't know	4	22.22%

2-Use of the New Zealand Transport Agency's One Network Road classification



Submitters for this question

Strongly disagree

9 - Paula Warren: If I'm reading the NZTA document correctly (i.e. the numbers down the sides are priorities) I don't agree with them. For example why on earth would storing a piece of private property (residential parking) be a higher priority than a loading zone in any part of a city? You can store your car somewhere else and walk home, but there's no point in having a loading zone half a mile down the street. It also assumes that each precinct fits neatly in each of those categories. If Hutt's precincts do (and unfortunately some do), then the way landuse planning is happening is all wrong. What cities need are mixtures of uses all in the same area. Ideally a person will live, work, play, shop, and be educated all in the same general area. They won't have to commute long distances from a dormitory suburb to an industrial suburb. Or drive a long distance to the supermarket to buy their food. And spaces will be used in multiple ways. What might be workers carparking today may be a farmers' market tomorrow. And church parking on Sunday. And a place for skateboarders to play at other times. I'm also not sure why amenity is only a high priority in the middle category. Amenity is vital in all parts of the city. We want people to live in the streets, not scurry through them to get to somewhere else. I would argue that you need to look at the priorities in terms of use of street space, not type of parking: 1. Movement of people and goods. Not necessarily fast movement, but the ability to get through and move safely. If buses and emergency vehicles can't get past parked cars, there's something very wrong (and it is not uncommon in Wellington City). If cyclists can't move safely without a separated cycleway, then that is a high priority use of the space. And pedestrians always need adequate facilities, in accordance with the NZTA Pedestrian Facilities Guidelines. So either a full footpath or a proper shared street. And safe crossing facilities. 2. Loading and unloading. That doesn't necessarily require a parking space. For Thorndon Quay I have argued that large trucks should be able to just take up a road lane for the period that they are unloading. To provide a parking space suitable for a big truck would be inefficient. And nothing like a big truck to slow traffic. But generally it does require a loading zone, bus stop, or something similar. P5 spaces are appropriate at places like railway stations - just long enough to allow the driver to help their passenger get their bag to the station, but not necessarily to wait for the train. With fast turnover, you need little space for this. 3. Mobility parking. Disabled people are the one group that can't necessarily walk from a distant park or take public transport. There needs to be adequate spaces for them. Where there is low use of those spaces, it

should be designed to provide amenity or environmental benefits when not in use. There is no reason not to create a small people park or a stormwater soakage area that is usable for disabled parking when needed. 4. PT vehicle parking. Buses need a space to sit at the end of the run, or at a terminal where staff take their breaks. 5. Car share, bike share, bike parking, EV charging and other specialist spaces. Where we want to encourage a transport form, such as cycling, we should ensure that it isn't being impeded by lack of space. 6. Amenity. This isn't an extra, something you jam into small spaces. It should be a core feature of how the whole space is managed. We want to create attractive people places, not roads. 7. Tradespeople parking. One of the biggest causes of parking on the footpath is a lack of spaces for tradespeople. An electrician needs to be able to park at a job for long enough to do the job. They may not need to be right next door, as long as they can unload. But time spent by a tradesperson walking to get that item they forget is a real economic cost. Time spent by a commuter walking to their work is not - that's good for their health and a good TDM measure. As with disabled parking, we can afford to have a lot of spaces if they double as amenity and WSUD/ecology spaces. And the simplest way to do that is to make them bookable. So when I book the electrician, one of us also books the carpark. 8. Visitor parking. For short term visits, P30 or P60 parks could be provided. So if I want to call in to see Auntie on the way to somewhere else I can. For long term visits, such as a friend staying overnight on their way to the South Island, why not have some bookable parks as for tradespeople. There are some uses of public space that should be discouraged actively. Commuter carparking is one. Long term storage of cars is another - if someone wants to own two cars, they should be made to buy a house with a two car garage. It is not the responsibility of the public to give up our space for people with strange transport habits or odd hobbies. I can't store my sculptures and restoration plants in the street. Why should my neighbour be able to store his racing car there? The above implies a radical rethink of how we manage the use of public street space. But a radical rethink is what we need, particularly given the desire of Hutt City to increase the number of residents and housing density. It is time we gave up the notion that our streets should be dominated by cars - cars moving people who could have taken the train or bus, or who could have walked, and cars sitting waiting. When I try to envisage the Hutt CBD, what comes to mind is cars. Not shops. Not places to sit in the sun. Not streams (all buried). Not the river (hidden behind the stopbanks). Not art or architecture. Just cars, cars, and more cars.

Strongly agree

13 - Nicola & Peter Prichard: Again generally the approach is logical, not too controversial and can be integrated to NZTA roading policy, funding opportunities - EVs, cycleways, regional road developments etc. It would be good to see the classifications more aligned to the District Plan zones, RMA principals and any resource consent conditions on certain developments where parking matters apply. The Policy and classifications must acknowledge the unique character of the Hutt Valley, its proximity to Wellington CBD, with the commuter rail corridor, and Petone's heritage value and the limitation this area inherently has with properties with no or limited off-street parking. Parking must be part of a holistic view of existing development and future development. I'm supportive of the principal that any new developments with parking restrictions resulting from intensification would be entirely the additional on-street parking, but question how this is enforced. I'm not sure that school drop-off zones should be given too high a priority as this encourages or reinforces that kids being driven to school is ok and that school communities don't have a role to play in reducing traffic congestion. I would support school bus drop-off zones.

Strongly disagree

14 - Richelle Okada: Petone is a unique area. The classifications and land uses that apply in other areas do not in Petone.

Strongly agree

15 - John Fryer: no need to give space on main streets to EV vehicles.....they can be accommodated up back streets or other less need areas

Strongly disagree

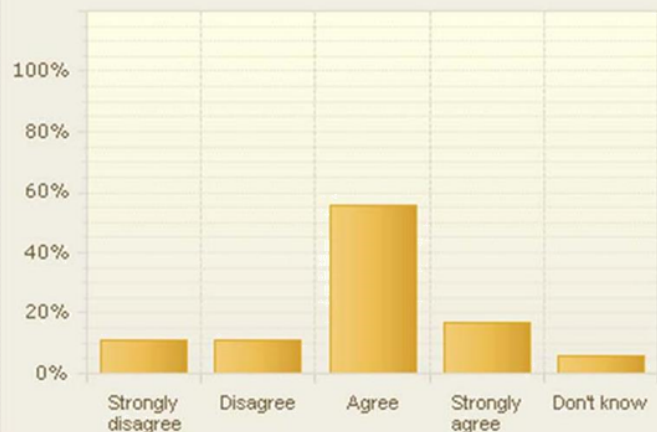
17 - Simon Davis: I disagree with the impact of the parking policy in residential suburbs. For example High Street, Petone, has a parking permit plan due to the adjacent location of Weltech. The key points are * no cost for permits * no limit of permits per household. In my house, a property with 4 bedrooms there are 5 adults, all of whom could in theory, have a vehicle. The proposed parking plan does not recognise the success of a residential parking plan like High Street's. Further recent council changes to our street reduced the number of

parks by narrowing the street. It is not fair to then penalise residents further.
Agree 19 - Tim Priest: I agree that use of road space needs to be prioritised. I support the reallocation (or restriction) of on street parking, when required, in order to meet other policy objectives.
Don't know 20 - Hamed Shafiee: The connections between the road hierarchy and parking hierarchy are not explained. Road categories and parking are two different things, how could you relate those and bring them under one hierarchy?
Disagree 21 - Karen Molloy: I don't want to see paid parking on Jackson street it will ruin our village feel and entice parkers to park on our residential streets. I want Jackson street to retain 60minutes free parking.
Don't know 24 - Megan Toms: In the terms of Jackson Street Petone I think it is important for the parking to remain free
Disagree 25 - Colin Partington: Its not a bad start at all. Needs a little reworking in the level of priority. EG: Shop trade work and learn has no1 being landscaping or adding furniture. Clearly that is too high. High st is an example of, parking removed to plant trees and to make the footpath wider, also the provision of a park to sit in. They all look good and are completely under utilised. The dramatic effect they have on retail business. Most of the day they are almost empty. The car parks aren't though and if more had been retained as a priority and the paths and parks held to a more restrained level, its likely the years of High st being depressed would have been reduced. Having a priority of removing car parks for walking or cycling would be a disaster on Jackson st. It is clearly a retail and services st. One thing I know is that very few customers (they pay the bills) arrive by cycle. Even fewer don't drive before they walk. Removing the parks is putting another barrier between their credit card and my till. They will simply go elsewhere. You might be thinking no they wont. Hundreds of years of collective retail experience says yes they will, and so do you.
Agree 27 - Andrea Bolton: Yes, as it is adopted elsewhere and follows the NZTA classification.

Response field Number and Name: 3.-Priority for users and movement		
Question: 3. Do you agree with the priority given to groups of users and movements within the types of areas identified		
Total number of responses:18		
Decision Sought	Number of submitters who selected this option	%
Strongly disagree	2	11.11%
Disagree	2	11.11%

Agree	10	55.56%
Strongly agree	3	16.67%
Don't know	1	5.56%

3.-Priority for users and movement



Submitters for this question

Agree

8 - Joshua Thurston: There should be clear delineation between the types of roads, and each should be focused on its purpose - move roads should have limited parking, while 'shop and trade' areas should be readily accessible by multiple modes, and actively work to calm traffic and reduce dependence on car use, including by emphasizing public transport access.

Strongly disagree

9 - Paula Warren: See above. That said, I certainly agree with the first paragraph above. In terms of residents parking when they can't park on their property. What we need to get past is the idea that this has to be in the street, and outside the person's house. It doesn't. It could be an off street carpark some distance away. Under a commercial building. On an un-used section. And it doesn't have to be provided by the public. In Argentina apartment dwellers hire carparks in parking buildings run by private owners. If we are going to provide public land, it is vital that people have to pay the full costs of that. The amount I pay for my encroachment outside my apartment is ridiculously low - far less than the value of the private land behind it.

Strongly agree

11 - Steph McGhie: As a resident living in a (now) very commercial area i know timed parking would make a huge difference to my family and neighbors, we've had problems getting a park anywhere near our house for the past year and only have one off street park available so having a permit that would allow us to park near our house would be fantastic especially for getting the kids in and out of the house.

Agree

13 - Nicola & Peter Prichard: The classification appears sensible, however determining whether an area is Live and Play, Commercial or Industrial, may be difficult in 'mixed zone' areas, such as Nelson St in Petone. Is it Residential, Commercial or Industrial, nevertheless any parkers are more than capable of walking to the next zone, with different priority. Again as more mixed used developments or light industrial locations change in use to shops this classifications, may need refinement and acknowledge the early occupiers.

Agree 14 - Richelle Okada: There is nothing wrong with these priorities.
Strongly disagree 15 - John Fryer: free but time restricted access to all shops should be a priority ...not paid parking
Strongly agree 19 - Tim Priest: I strongly agree that reallocating road-space from parking to other uses can help to improve amenity, create people-friendly spaces, encourage travel by other transport modes and contribute to economic performance. I agree that public and active transport provision, pick-up and drop-off spaces, and short term carparking should be prioritised over long term commuter carparking. I also agree that safe and efficient movement of people and goods should be prioritised over long term carparking, particularly on arterial routes.
Agree 20 - Hamed Shafiee: You need to clearly define what is residential parking and what is residential permit parking. In High St, Petone, we have permits but it is not for a specific location. So you need to include this type of permits and be clear about what is your policy around that.
Disagree 21 - Karen Molloy: Residential parking is very important for Petone where most of us donnot have off street parking. By keeping Jackson Street free to park on for one hour people will not park on residential streets to avoid fines when they are sopping short term. People should not be able to park on Jackson Street or High street for longer than one hour though to keep people moving through our shopping areas.
Agree 24 - Megan Toms: If our customers have difficulty getting to our stores then the likely hood is that they will stop coming to our stores
Disagree 27 - Andrea Bolton: Generally agree, however some groups in my view are out of place. I think residential parking should have more priority in the Shop Trade Work and learn and make grow and move areas as Lower Hutt City is highly residential even in these areas and it is these PEOPLE who should be priority, especially if long term users/residents.

Response field Number and Name: 4-Mobility Parking		
Question: 4. Do you agree with council's proposed approach to mobility parking?		
Total number of responses:18		
Decision Sought	Number of submitters who selected this option	%
Strongly disagree	0	0.00%
Disagree	2	11.11%

Agree	15	83.33%
Strongly agree	1	5.56%



Submitters for this question

Agree

8 - Joshua Thurston: Council should ensure it is simple and accessible for people to request mobility-specific spaces to be created (for example in residential areas with limited parking).

Agree

9 - Paula Warren: The answer is yes and no. Yes, we need mobility parks. But they should be everywhere (given that in my view there should be few car parks for long term stopping), and designed so when not in use they are an amenity addition to the city.

Disagree

11 - Steph McGhie: I think lower hutt has plenty of mobility parks and have never had a problem finding one when taking my grandmother out, they are all close to the shops and easy to access.

Agree

13 - Nicola & Peter Prichard: No objectives, as long as Mobility Card holders are genuine.

Agree

14 - Richelle Okada: Mobility parking is important.

Agree

15 - John Fryer: I am disabled and need to have access to parking spaces.....these are not always in correct places nor correct size. TCDC on my submission have allowed some flexibility for disabled parking.....if no space is available or spaces are full ...you can use a regular park without penalty...same as Sydney were I got idea from.....I wrote to Lord mayor before going over to see if my card was valid in Sydney..it is There would be overseas visitors that have a different card to ours and they should be able to use local disabled parks. The other unresolved issue is I have a 8.1m motor home and the regular spaces for disabled are normally wide but not long enough. So we need to be able to use 2 spaces or over hang disabled parks. There is no mention of this in what I could understand

Disagree

17 - Simon Davis: More focus should be given to mobility, where community facilities are located in

residential areas, e.g. churches, schools	
Agree 21 - Karen Molloy:	Mobility parking must remain a priority to ensure equity
Agree 24 - Megan Toms:	So long as the vehicles in the mobility parking spaces are permitted there is no problem

Response field Number and Name: 5.-How the Council will assess local parking issues
Question: 5. What do you think of how Council will assess local parking issues and whether to intervene?
Total number of responses:15
Submitters for this question
<p>8 - Joshua Thurston: Decision sought: It seems like a reasonable approach. Decision reason: Consultation with affected community will be important. This is particularly true when the changes will affect residents' abilities to park at or outside their (existing) house, and the costs that this will impose.</p>
<p>9 - Paula Warren: Decision sought: You should intervene more often, so more land can be reallocated to a valuable purpose - stormwater gardens, people parks, kerb extensions, more disabled parks, tradespeople parks, etc. Traditional residents parking spaces should be got rid of entirely. If a property really doesn't have room for parking, there should be facilitation to help the owners find a commercial (business or council run) option for car storage. Every bit of space should be actively allocated to its highest value use. Parking should not be the default use. More booked parks for tradespeople, etc, will remove the need to over-supply as a very crude and inefficient way to ensure that legitimate demand is met. The long term aim should be that most households are carless, using a mix of walking, bikes, public transport, taxis, and car share companies to meet their needs. This is not a pipe dream. 30% of households in the Wellington CBD are carless. A large proportion of my colleagues are carless or use their car seldom and could give it up if there were better car share options. Decision reason: To achieve a liveable city, travel demand management, and economic efficiency.</p>
<p>10 - Adrian Tucker: Decision sought: I would like the council to consider changing some of the all day on road car parks in the vicinity of 577 High Street Boulcott Lower Hutt to limited time access car parks. Approximately six months ago Kiwi Bank opened a call center at 535 High Street Boulcott Lower Hutt, this new enterprise appears to have no on site car parks. Most days before 8 am majority of on road car parks have been taken by Kiwi Bank employees. This causes frustration to all others who work in the area or visit the already established businesses. It appears strange that a business of this type and size would be allowed to be established without consideration for car parking for their staff.</p>
<p>11 - Steph McGhie: Decision reason: I think it's a great idea Decision sought: Lower hutt has terrible parking and it's about time something was done about it</p>

12 - Steven Scheckter: **Decision reason:** Retail already struggling for parking, and poor traffic management. Watch Jackson Street late afternoon, or Esplanade into Wellington in the morning. Charge for parking will hurt retail. Whoever made the statement is WRONG
<http://www.sciencedirect.com/science/article/pii/S2212012214000495> A clear concise study, there are many others. Does Hutt Council have a traffic engineer on staff? May be helpful. We are off Jackson Street, pay \$30k plus GST for our parking. Once you start charging we are going to have to police our lot. Who will pay for that? The rate of retail churn on Jackson street will increase, fall in rentals and traffic. There are consequences down the line too.

13 - Nicola & Peter Prichard: **Decision sought:** The policy should incorporate a public consultation step, when intervention are being considered, have more public information on an resource consent conditions involve parking. The policy should prioritise time-limits before adopting paid-parking options, as paid restriction are favable to those that can afford it. The policy should mandate the promotion of sustainable transport as the first invention to reduce parking demand and target commuter groups (lowest priority group first). We would be supportive of free residential permits, as any scheme in the Hutt would be limited and think the any scheme should accommodation annual allocate of free visitor permits at the do in Borough's of London.
Decision reason: The proposal probably formalises what has been happening for the past 30-40 years, however there is no provision for local consultation in the intervention process, nor does it appear to priorities time-limits over paid-parking. The current proposal does recognise the some of the unique aspects of the Hutt Valley, Petone heritage nature or residential properties without off-street park or limited off-street parking. Nor does the policy proposal recognise the rail corridor and the benefits park-ride demands off-set on over roading infrastructure.

14 - Richelle Okada: **Decision sought:** Things should remain as they are on Jackson St. in Petone. There should be no charge for parking, the time limits should be enforced, and fines should be applied for those who overstay.
Decision reason: Jackson St. in Petone is an historic district with a unique character. The usual parking meters do not fit the character of the street. Unless some heritage designs could be made to match the requirements used by resource consent for all new construction on the street, parking meters should not be installed. This is a consistency and fairness issue. Free parking is an attraction to the area. Before we leased a business property in Petone, we were attracted to the area because of the free parking and we returned many times because we knew we could park for an hour then move our car to enjoy more shopping and dining. We expect the customers for our new business will be attracted to come because of the free parking.

15 - John Fryer: **Decision sought:** Parking spaces should not be taken for cycle ways and like..... I personally could not accommodate on my bike all I need when shopping , ll I need to go and do my shopping.....currently because of accident am not allowed to bike on busy streets. I cannot take my bags etc on bike.

17 - Simon Davis: **Decision reason:** Council's intervention in local parking issues needs to be better articulated in policy, and to reflect existing circumstances. **Decision sought:** Without policy interventions are arbitrary

18 - Adrian Davis: **Decision reason:** Not to implement this clause of the policy 'If residential parking permits are issued, a maximum number of two permits per property will be allowed and the number of permits issued will be reduced by one permit per off-street parking space, including driveways. Council will charge a fee for permits, which will be assigned to a particular vehicle and non-transferrable. Permits will allow parking in a specific area only and have to be renewed annually.'
Decision sought: In High Street we have been good with the parking currently in place, we have had no issues and people from Weltec are able to park as there is plenty of space. So if this does go through what do we do when we have 3 plus car??? Where do we park

them? Since we can only have 2 including the drive way which is ridiculous. So you will transport me everywhere since I won't have a car? Since I am not allowed to park it right next to the place I have lived my whole life??????

19 - Tim Priest: **Decision reason:** I support the introduction of time restrictions and pricing to ensure a peak occupancy rate of 85% for on street parking. This will require regular review of parking policies. With current technology that is widely available, dynamic pricing for parking is now possible. The price for parking could vary hourly, based on peak demand, to ensure that carpark spaces are always available. I strongly support the proposed changes to the District Plan that will allow the development of residential dwellings without mandatory provision of off-street carparking and agree that new developments built after the plan change should not be eligible for residential parking permits.

21 - Karen Molloy: **Decision sought:** I request the the council keeps Jackson Street parking free for one hour and makes High Street CBD parking free for one hour to maintain thriving trade in these zones.

24 - Megan Toms: **Decision reason:** People should be able to move around safely but parking in Jackson Street should be free **Decision sought:** As a business owner in Jackson St - I think it is important that people are safe when they are shopping but they should also be able to come and enjoy the lovely Petone and have access to free parking for a limited amount of time

25 - Colin Partington: **Decision reason:** It will tend to try to make every situation fit the same box. It will further reduce the way the city is viewed as livable and friendly. A one size fits all is a proven way to create disharmony and resentment.

27 - Andrea Bolton: **Decision sought:** Need to effectively manage parking in 'slots' throughout the city. Especially in Petone which is a varied use area but is becoming even more busy. Manage by time parking restrictions and adequate enforcement. Council so far has not assessed local parking issues in my area - North and Graham Streets - despite writing to the appropriate parking traffic officer. Parking in these streets is overwhelmed by contractors (North and William) and Bob Scott employees (Graham St). As to Graham Street, employees of Bob Scott park recklessly (ie partially over driveways) and fill up the street from No. 16 down to the cul-de-sac. A number of residents have large vehicles. Reversing out of the driveway, angling around those employees parked as above, and turning so you don't hit the cars parked opposite, is a dangerous task. Then a Bob Scott resident comes speeding down the street with no consideration. Please asses whether the Remembrance Garden car park - which has about 40 spaces - can be used all day by staff. Currently there is no time restriction on this space. in your parking consultation document you say 400m is a reasonable distance expected to for people to walk. It is less than that if they park in that car park. Graham St residents do not want time restrictions or residents permits in the street (most have driveways) but we do not agree with all the lower street taken up with all-day employee parking - sometimes dangerously. I refer to the Resource Management paper RM130247 made to Ryman Healthcare. pg 24. Section 6.77. Potential traffic effects. 'They conclude that the width and geometry of the streets is sufficient to accommodate the expected increase in traffic without affecting the safety and functionality of the roading network.' This is not so. It is dangerous because of the parking and therefore the width of the road is down to one lane. Pg 28 section 6.100. Car parking 'There is very unlikely to be any over spill demand on carparking because there is ample provision on-side including parking for residents, staff and visitors. ... The site is a large site with spare space available for the development of more on-site parking if needed.' I disagree. Overspill is happening and this is not being enforced by council. This is an infringement of the Resource Consent. 6.102 'We are satisfied that each proposed building will essentially be self-sufficient in terms of its own parking needs and that sufficient visitor parking is provided on site. We expect that any effects of carparking outside the site will be no more than minor.' I dispute that. Visitor parking is inadequate on site. There is very little visitor parking. Image mothers or father's day - our streets are congested with visitor parking. Again breaching the Resource Consent. I request that council assess the parking situation in these streets and address the concerns of safety and congestion

and staff and visitor parking - as it is not in agreement as that stated in the Resource Management decision.

Response field Number and Name: 6.-Restrictions that could be used
Question:
Total number of responses:14
Submitters for this question
<p>8 - Joshua Thurston: Decision sought: Reasonable but could be more creative Decision reason: Resident parking schemes are useful tools, but have to be priced appropriately and also have to consider the specific built environments. Many areas of the Hutt were developed before personal car ownership was widespread and driveways and garages are not necessarily widespread. Again, local consultation to identify a local solution will be vital.</p>
<p>9 - Paula Warren: Decision sought: See above. Land allocation and enforcement need to go hand in hand.</p>
<p>11 - Steph McGhie: Decision reason: i think some areas do require time limits and permits Decision sought: my street in particular is in desperate need of permits and restrictions due to dangerous parking/driving and cars being left for weeks at a time. It's great that there are shops close by but that means more traffic and less parking for the residents that have always been here and making it difficult for us to be happy about the shops being near our homes.</p>
<p>12 - Steven Scheckter: Decision reason: Status quo is fine</p>
<p>13 - Nicola & Peter Prichard: Decision sought: See above comments Decision reason: See above comments</p>
<p>14 - Richelle Okada: Decision sought: See above Decision reason: See above</p>
<p>15 - John Fryer: Decision sought: police existing rules</p>
<p>17 - Simon Davis: Decision reason: To reject the clause 'If residential parking permits are issued, a maximum number of two permits per property will be allowed and the number of permits issued will be reduced by one permit per off-street parking space, including driveways. Council will charge a fee for permits, which will be assigned to a particular vehicle and non-transferrable. Permits will allow parking in a specific area only and have to be renewed annually.' Decision sought: There should be a permit available for each adult in a household, and no reduction for off street parking. Residential parking permits should be free.</p>

18 - Adrian Davis:	Decision reason: Stick with the old system Decision sought: It works well and means we can more than one car, in the drive way, and on the road.
20 - Hamed Shafiee:	Decision reason: To remove the clause: 'If residential parking permits are issued, a maximum number of two permits per property will be allowed and the number of permits issued will be reduced by one permit per off-street parking space, including driveways. Council will charge a fee for permits, which will be assigned to a particular vehicle and non-transferrable. Permits will allow parking in a specific area only and have to be renewed annually.' Time restrictions can be more carefully determined to address the time of the day/week when there is a problem. For example, a church might have service on specific days or Weltech has fewer students and less impact on parking nearby on specific hours of a day or e.g. on Fridays. Decision sought: There should be a permit available for each adult in a household, and no reduction for off street parking. Properties are not the same size. Some are larger with more people living there, or are multiple stories. There might be even several units in one property. So it doesn't make sense to use a rule for all of them. Residential parking permits should be free except for those who are seeking to have a specific area exclusively for themselves. When an education or business is established in a residential area it is their responsibility to provide off street car park for their employees, students and clients. The residents should not be limited and suffer from lack of car park in live and play areas.
21 - Karen Molloy:	Decision reason: Limit parking times to meet the purpose of parking areas
24 - Megan Toms:	Decision sought: A potential cycle lane, diverting traffic from Jackson Street to surrounding streets so there is not so much congestion especially in the afternoons. There should be a time limit on parking (say 60min) but if possible have some areas that restriction could be longer. If someone is coming to shop sometimes an hour is not long enough
25 - Colin Partington:	Decision reason: No Paid parking to be introduced. It has never resulted in an increase of turnover or a change in transport method. The costs can only ever be repaid by punishing transgressors. Resulting in more resentment and fewer customers. Recycling of car parks can be encouraged is several other ways. It seems to be an entrenched view, largely shown to be a fallacy, yet stuck to with a fervour by those thinking that what we have always done must be the answer. We should be better than that, I know we have tremendously clever people, lets see what ideas they have without the red light put on them. While Im not that clever, I have a few ideas. So far no one has been interested.
27 - Andrea Bolton:	Decision sought: Enforcement by officers. Investigation by council who signed off on RM.

Response field Number and Name: 7.-Any other comments
Question:
Total number of responses:11
Submitters for this question

8 - Joshua Thurston: Question Comments: Any changes to parking schemes in shopping, working, and transit areas (eg at stations) must be coupled with a consideration of reasonable alternatives to driving to those areas. If public transport is not accessible to get to those areas, then that situation should be improved alongside any restrictions to parking. People need alternatives to actually change behaviour; parking should not just be a revenue gathering exercise.

13 - Nicola & Peter Prichard: Question Comments: Any parking inventions/ restrictions should be reviewed as activities change in an area or large lease buildings change. (ie IBM Building) The Hutt CBD has changed significantly over the last 10 years, while the parking policy and invention changes have been slow to change following the redevelopment of Queensgate.

16 - Nicola Bray: Question Comments: In practice, HCC does not adequately address parking issues. Where I live -Hautana Sq (normal residential street) the car parks on the street are now taken up all day on a weekday, mainly by school parking from nearby schools eg Sacred Heart. Cars arrive after 8am and are basically parked there all day. Some, presumably those of teachers, are often still there in the early evening. Sacred Heart requires more parking each year it seems, but does not seem to be required to provide virtually any on its own grounds. As the school has grown over the years, car traffic has increased and has just pushed into the surrounding residential area. People also park in our street and walk to workplaces in the CBD. This increased when the HCC raised parking charges some time ago. On wet days, these people park in the mall car parks, according to what I was told by one parker. In effect, the council is allowing /encouraging CBD parking to push into residential areas. We are parked out, outside our own properties virtually all day. Should you actually have visitors eg guests, tradespeople, or weirdly, need to park there yourself, there are no parks unless you chance the P120 on the city side of the street. In the winter season, we now have almost all day parking from secondary school netball held at Sacred Heart. This seems to have increased since the loss of some netball courts at Taita, so on a Saturday in winter, we have cars coming and going and parking outside almost all day. This is in addition to the school age rugby and senior rugby at Hutt Rec on a Saturday. It is not just the fact that there are few car parks available for residents and visitors, but the added noise of cars coming and going, car doors banging etc. On Saturday mornings it's not unusual now to be woken by the slamming of car doors. In addition, the new all weather turf on Hutt Rec appears to have increased demand for parking, so even on a Friday night we have occasionally been parked out. Of course, the council makes no provision for parking from Hutt Rec and we always have issues with parking from big events there. We have had issues with illegal parking in our street on the Square (Hautana), and the council has had to address this for big events by patrolling, but for less obvious events we still have illegal parking there from time to time. Generally the council does not seem to make institutions and facilities provide for their own parking, or their increased demand for parking, and just lets these cars spill out into adjacent residential areas. Previously quiet streets become busier, noisier etc as cars loop around looking for parks. The parking at the main War Memorial library is inadequate and frustrating. There are, from memory, 18 parks and 3 five minute parks for a city the size of Lower Hutt. Those parks must be shared between the library, the Little Theatre, other facilities in that building eg a cafe and maybe some other facility used for exercise, plus the nearby playground etc. Totally inadequate. (I'm not counting the church car parks marked off in blue). Many people using the library take children or maybe are slightly older, so a reasonably close safe park is necessary. Especially as people are often carrying books, wheeling toddlers etc. The access road in is narrow and awkward, and sometimes pedestrians are mingling with cars, because of the odd footpath arrangement. The exit onto Woburn Rd is blind from the left, because of the solid brick fence obscuring pedestrians. My other main gripe is parking in High St. The 'improvements' to the paving, the re-configuring of the car parks, the narrowing of the street have made that area quite unworkable. While I think that parallel parking is generally safer than angle parking in terms of visibility, there do seem to be fewer car parks there now and the huge concrete islands with square corners between parks are sometimes hard to navigate-I have seen many cars just drive over the edge of them to get out of parks. The narrowness of the street requires extra vigilance in getting out of the car as you cannot open your right side doors if there is any oncoming traffic, and rear seat passengers are best advised to all alight from the left side doors. It often feels quite unsafe opening your doors on the road side now, and you must sometimes just sit and wait to disembark if there's a string of cars coming through the lights. Because the street is now so narrow, a line of cars can be held up waiting while parallel parking is done. Also, because

parallel parking requires any following car to leave a space behind a parking car as it backs, this creates a problem near a corner. The following car sometimes wrongly assumes the parking car has its left indicator on to turn the corner, rather than to back into a park and so drives right up behind it and does not allow that backing space, making parking impossible. This has happened to me a number of times in the area between Morelands and Java cafe on the corner, and you are forced to just go around the corner and try again. Why Margaret St and High St have huge, wide, quite ugly pavements is unclear, as there is little pedestrian traffic to navigate them and certainly if you park in either, you want to remember to put your car wing mirrors in. I would comment that in the recent proposals the council put forward for intensification of residential housing on the valley floor, there seemed to be no provision for increased parking. In fact some of the sketches appeared to show new houses without provision for off street parking. Areas near railway stations already have inadequate provision for parking-the public car parks are usually full, and residents on the other side of the tracks eg around say Cudby street are generally parked out all day by commuters. I am not sure why parking in the CBD cannot be free. I certainly made good use of it and visited High Street and other CBD shops for longer periods. I would say, on a more positive note, that it is great to see the increased provision for car parking at the revamped Huia Pool. I hope the council is making provision for parking for the new events centre, as parking in that area is limited. Recently the council had a very successful evening lights display and our street was totally parked out because of inadequate parking in that area.

18 - Adrian Davis: Question Comments: So if this does go through what do we do when we have 3 plus car??? Where do we park them? Since we can only have 2 including the drive way which is ridiculous. So you will transport me everywhere since I won't have a car? Since I am not allowed to park it right next to the place I have lived my whole life??????

19 - Tim Priest: Question Comments: I strongly support the proposal to work with providers of private off-street parking to make more effective use of this resource, especially during the evening or weekends, while the business is closed.

20 - Hamed Shafiee: Question Comments: This is like an operational guideline, rather than a policy. I think there are good points raised in that and I agree with the whole thing but the explanations are not well organised and it has some repetitions. On the other hand, some of the things like residential parking and residential permit parking and residential permit parking for a specific area. Council's intervention in local parking issues needs to be better articulated.

22 - Annette Paterson: Question Comments: I would not like to see paid parking be introduced to Petone's Jackson St and side roads. This would ruin the village feel of Petone and take parking to side roads where parking is free and hinder residents access to parking outside their own home. I believe the current time restrictions are appropriate and perhaps need to be monitored more often to ensure they are adhered to. There is no need to change the current state of Petone parking or adding residential parking permits.

23 - Jo Clendon: Question Comments: Please refer to attached submission.

24 - Megan Toms: Question Comments: I have found the draft parking policy of no use at all when clicking on the individual pages relevant to the questions it gives you the same information. I fear that Petone will be lumped into a one size fits all category which Petone definitely is not

25 - Colin Partington: Question Comments: Lots, its just that its 4.38 on a friday and being self employed I have clients to attend to. Why do submissions close on a friday, why not a monday? It not as if anyone is going to look at them over the weekend is it? It does give time for those of us that are not paid to submit to do it in our own time. Thank you. I do wish to make verbal submissions to this issue.

<p>27 - Andrea Bolton: Question Comments: See above. Instead of council officer fobbing us off and asking us to investigate how about council doing it?</p>
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3 November 2017

Feedback on Proposed Parking Policy from Greater Wellington Regional Council

Thank you for the opportunity to provide input into the development of the parking policy and to comment on the draft policy document.

Greater Wellington Regional Council (GWRC) support Hutt City Council (HCC) developing a strategic policy framework to help inform a more consistent approach to the supply and management of parking. Effective management of council controlled parking rather than creating more supply, alongside changes to the Transport Chapter of the District Plan in Plan Change 39 to reduce minimum parking requirements, present an opportunity to enable a shift to greater use of public transport, walking and cycling.

It is good to see HCC considering how to plan for trends and opportunities that may change how people travel, the demand for parking and the ease of use of other transport modes.

The development of a clear parking hierarchy for different areas is a great initiative that in combination with effective interventions and enforcement can contribute towards achievement of the Regional Land Transport Plan Vision 'To deliver a safe, effective and efficient land transport network that supports the region's economic prosperity in a way that is environmentally and socially sustainable'.

The attached submission provides feedback on specific aspects of the parking policy for your consideration.

GWRC looks forward to having on-going opportunities to work with HCC on the strategic framework for and management of parking to ensure the best use of existing resources and ongoing encouragement of other modes.

Yours sincerely

Luke Troy, GM Strategy
Greater Wellington Regional Council
Shed 39, 2 Fryatt Quay, CentrePort,
PO Box 11646, Manners St,
Wellington 6142

Greater Wellington Regional Council feedback on Hutt City Council draft parking policy

General Comments

Introduction

It would be useful to provide more background and context of the drivers creating a need for the development of the parking policy within the policy itself and what is included within the scope of the policy. Does the policy deal only with on street car parking or does it also play a role in the management of cycle parking and off-street car parking where this is managed or owned by HCC. GWRC understands that some of the context and scope for the parking policy is available in previous council papers, but considers it would be useful to include in the policy itself:

- the current problems with parking supply and management,
- how the parking policy will be implemented, e.g. is it proposed to develop an implementation plan, or will implementation be primarily reactive.
- the relative mode share of driving for people accessing the Hutt City and Petone business districts
- the relationship to other key council policies and documents, e.g. changes to parking provisions in the District Plan, policies to promote active modes.

Objectives for the supply and management of parking

GWRC supports having an objective for the supply and management of parking as a key aspect leading the policy. However, the objectives could be strengthened by acknowledging and addressing the trade-offs between managing supply of parking and ensuring “*that people are able to access the city and interact with its activities effectively by whichever mode of transport they choose*”. In practice, Council will not be able to provide sufficient parking to allow all people to drive without managing demand in some way. GWRC suggests rewording this as:

The policy seeks to ensure that people are able to access the city and interact with its activities effectively using a variety of modes of transport, and enables Council to take a consistent approach to the management of parking across the city.

Similarly objective one “*A safe city – prioritising the safe and efficient movement of people, goods and services*”, fails to acknowledge the trade-offs between efficient movement of goods, and safe movement of people. Increasing safety for people can often involve restricting or slowing motor vehicle movements. GWRC suggests re-wording this to place the emphasis on safety:

1. *A safe city – prioritising the safe movement of people, while enabling efficient movement of people and goods.*

Objective four would be clearer without the specific reference to modes – the key point is equity of access. GWRC suggests the removal of the words ‘transport modes’, leaving the objective as

4. *A city that has equity of access – supporting Council’s work to create a walkable and people-friendly city accessible to all*

Parking road space hierarchy

GWRC supports the use of a hierarchy based on a classification of the roading hierarchy and land development standards. The concepts of *live and play*, *shop and trade*, *work and learn*, and *make, grow & move* are useful to help people understand the different areas and priorities. GWRC generally supports the relative priorities given to groups of users and movements within the *live and play*, *shop and trade*, *work and learn*, and *make, grow & move* areas. It is good to see the amenity values of public open space on the road reserve specifically considered alongside the impact of parking.

It may be useful to provide some context about the New Zealand Transport Agency’s One Network Road Classification and how NZ Standard 4404 ensures the safe design of the roadway for the public who may not be familiar with these documents. It would also be useful to provide some information on how council officers will

classify areas as *live and play*, *shop and trade*, *work and learn*, and *make, grow & move* and that more than one of these classification may apply to different parts of the same street. It could be a potential cause for conflict when the policy is applied if people do not understand how the classification is applied and assume that it is linked to District Plan zones.

It is good to see public transport stops and provision for active modes (including where this may involve removing parking) given explicit priority over all types of car parking across the parking hierarchy. A high quality reliable public transport network and an attractive and safe walking and cycling network will reduce the need for car parking. How the five priorities across all areas are presented in the table could be modified to make it clearer that these have equal weight.

Mobility parking

GWRC supports specific consideration of how mobility parking can enable people with disabilities to access key services and destinations. The current proposal could be confusing for some people. GWRC suggests applying a simplified approach to mobility parking concessions to make the system easier to understand.

Additionally the structure of the document has mobility parking under the parking hierarchy, although mobility parking is a priority across the hierarchy. Perhaps it would be clearer to have a specific section to address mobility parking.

Electric vehicles

GWRC supports HCC's initiative to promote the use of electric vehicles through dedicated parking spaces and provision of charging stations. This should primarily be achieved through the re-allocation of existing parking spaces, rather than the creation of more parking.

Additionally the structure of the document has electric vehicles under the parking hierarchy, although parking for electric vehicles is not explicitly addressed in the hierarchy. Perhaps it could improve the structure to have a specific section to address electric vehicles, or to have electric vehicle parking included in the parking hierarchy itself if it is to sit in this section.

Intervention

GWRC supports the explicit identification in the policy of interventions, including pricing, time restrictions and the use of resident parking schemes and exemptions. It is positive to see a specific target of managing parking restrictions to achieve a peak occupancy rate of 85%. It would be useful to understand in what situations parking or time restrictions may be considered appropriate and how prices will be set.

Is HCC planning to proactively identify areas where peak occupancy is above 85%, or if interventions will primarily be used reactively in response to complaints about parking? Similarly while it is good to see the specific policies that will apply to resident parking schemes, it is not currently clear.

Enforcement

Effective enforcement is a crucial part of managing parking. This section sets out what the parking services team currently does and what the Council hopes to achieve with new technology, but doesn't provide any guidance on how enforcement activity will change under the new policy. Will the enforcement team play a role in identifying areas where interventions may be required and undertaking assessments?

It would be useful to see a clear link between this policy and the changes if any to enforcement activity.

Encouraging access via other modes

GWRC strongly supports the use of parking policy to encourage access via other modes of transport. It is great to see the parking hierarchy placing priority on bus stops, walking and cycling. It would be useful to consider stronger links to the HCC's policies and infrastructure to promote and provide for active modes. For example, could this policy include a section on when council will consider increasing or managing supply of cycle parking? For example, if all available cycle parking is more than 85% occupied should additional capacity be provided. We note that cycle parking is being considered as part of Plan Change 39 to the District Plan, but this only addresses new or significant re-development, not how council manages its on-street cycle parking.

Better use of existing parking resources

It is good to see the council considering how better use could be made of existing private parking resources. As a provider of park and ride sites within Hutt City, GWRC is interested in continuing to work proactively with HCC to ensure an integrated approach to manage parking.

It would be useful to understand how HCC will work with private parking providers to ensure the best use of existing parking resources and enable private providers to contribute to the achievement of the objectives of the parking policy.

Jo Clendon
Bikes Welcome Charitable Trust
5 Eponi Street, Hutt Central
Lower Hutt 5011
3 November 2017
Hutt City Council

Re: Hutt City Council Parking Policy Consultation Draft dated 27 September 2017

This provides my feedback on the above document. I provide it from the perspective of an active transport advocate, a parent and a central Hutt resident. I also have elderly and disabled family members and are familiar with their needs.

On the whole I am supportive of the parking policy. It acknowledges the opportunity costs associated with providing parking in the road corridor, and the relationship between parking provision and uptake/utilisation of other transport modes including active and public transport. It also acknowledges the potential for reallocating road space to create more people friendly spaces, which in turn boost livability and economic vitality. I look forward to seeing the policy reflected in council's own decisions about land use and amenity.

Specific points of concern which I ask to be addressed by council officers in response to this submission include.

1. Consider changing how the kerb-space traditionally used for parking is referred to. In some jurisdictions this space is now referred to as the 'flex zone' indicating that it has many potential and valuable uses. Referring to it as kerbside parking space perpetuates the idea that parking takes priority over other uses. Such a name change would be consistent with the road space hierarchy per section 3 page 4. At a minimum the table on page 6 should refer to a 'Kerb Space Hierarchy' and not a 'Parking hierarchy'.

2. Per section 3 page 4-6, it is unclear where the newly proposed 'suburban mixed use' zones would fit into the area descriptions as they would appear to be a combination of 'Live and Play' and 'Shop and Trade'. Further discussion in section 4 indicates suburban mixed use may fall under the 'shop and trade' category, but this is worthy of further clarification.

3. Hierarchy table page 6.

- a. Drop off and pick up zones are relevant for commercial and higher density residential zones (not just schools and rail), especially with the growth of 'transport as a service' or 'ride share' schemes.

- b. Car-share has not been provided for. There needs to be provision to allocate parking spaces for car-share, particularly where it is EV car-share which requires dedicated infrastructure.
- c. Does 'Amenity' include traffic calming measures to facilitate greater use of active transport and the development of 'greenways'? If so this should be clarified.
4. Mobility Parking page 7. As well as providing mobility parking for mobility users of private vehicles, there is a growing need for pick up and drop zones for mobility users who are using assisted transport services such as 'Driving Miss Daisy' or aged-care shuttle buses. These pick up and drop off zones have unique requirements around access, location and adjacent facilities (e.g. shelter and seating for waiting passengers) and time limits, and should be specifically provided for in the hierarchy/policy.
5. Section 4 'Intervention'
- a. Intervention measures should include the reallocation of space to pedestrian and cycling facilities, traffic calming and 'green routes' as means of managing demand in addition to time limits, parking charges and residential parking schemes.
- b. How will a reasonable price be determined? What factors will be considered?
- c. How will spillover effects related to changes in land-use and changes in pricing, time restriction and permitting be managed so that the overuse of kerb-space for parking problem is not just moved several streets along?
- d. A total picture of an area's parking requirements needs to be considered in a travel planning framework (which considers where people are coming from and heading to, and other aspects of their journey, e.g. multi leg trips to drop the kids at school before parking for the day and catching the bus/train to work).
- e. The role of school travel planning is an important part of the intervention framework - as the need to drop off children at school and childcare is often presented as a barrier to active transport uptake, and contributor to parking demand and traffic congestion around schools and childcare facilities, as well as public transport hubs. Prioritising 'green routes' and safe routes to school is an intervention worth including.
6. Section 6 Encouraging access via other modes of transport.
- a. This section needs to look beyond 'park and ride' to address other 'first mile, last mile' options including integrating Public Transport with active modes, ride sharing, car pooling, etc.
- b. This section should also reference the importance of end of trip facilities and safe, separated, connected infrastructure for active transport users.
- c. Consideration should be given as to how private organisations can be encouraged to offer support to public and active mode use, e.g. travel planning requirements for High Trip Generators.
7. Section 7 Best use of existing parking resources
- a. This section needs to be clear who pays for use of private parking areas and how the pricing of kerb-space parking provision impacts the economics of private parking operations.
- b. The parking policy doesn't provide adequate consideration of events and activities that cause significant fluctuations in parking demand. As the Hutt continues to develop facilities for events and a calendar of attractions (such as the HighLight Festival), greater clarity and guidance will be needed for event organisers and facilities managers on how to include active and public transport modes in their travel planning for 'visitors' as well as 'employees'.

In conclusion the draft parking policy is good because it acknowledges the value of the our space, the future challenges and competing demands for space, transport options, economic growth and livability. It's successful implementation will depend on:

- how well it is integrated with other council policies, strategies and the District Plan,
- the ability of council to work with the Regional Council, NZTA and other key agencies; and
- how well the council staff understand and engage with the vision and opportunities it presents.

Council are congratulated for proactively tackling the provocative issue of parking.

Sincerely
Jo Clendon

Parking Policy Submission

Matt Young

In general I am very positive about this policy. When I first became aware that it was being worked on earlier in the year I was quite sceptical of what it may look like and worried that it might be driven to be overly car-centric.

I have since been pleased to find that council has taken a more holistic view on parking. It is not just about the automobile but about how we dedicate road space more generally and the means by which we get about. I am pleased too to see that public transport and active modes are specifically considered.

Taking a step back I think a policy such as this has been in need at HCC for a while. Watching the discussion that has taken place around paid parking in the Hutt CBD, and the talk about Petone too, leads me to think that it is daft to have methods of parking intervention controlled directly at the political level. It makes much more sense to have officers making these decisions according to a framework as the one we have here.

The Hierarchy

I am pleased with the hierarchy. The top five are all eminently sensible and I agree with giving public transport and active modes some priority.

I see nothing disagreeable in the order for specific areas in the city.

I would like to see cycle parking addressed specifically with a section similar to that given to mobility and EV parking. I have been disappointed in the past that even some recently refurbished council facilities do not have dedicated cycle parking.

Intervention

I agree with having the same conditions for the application of time and pricing mechanisms citywide. This is not a one size fits all approach as I have heard it labelled, assessments will be done on a case by case basis, but it does mean that the rationale is consistent. I agree with the rationale that has been presented.

I agree with new builds not being eligible for parking permits if these are in use. Owners cannot expect to be provided space in this case if it is not available off-street.

Enforcement

I would love to see council move away from the ticket-based system we currently use for parking (where we display on the dash). These tickets end up littered all over the city and do not break down. They are a nuisance from a city tidiness and environmental perspective. Much like EV's, reducing waste is also in line with council's Environmental Sustainability Strategy.

Regards,
Matt Young

Submission to Hutt City Council from the Petone Community Board on Proposed Parking Policy

As well as feedback via our Facebook page, and face-to-face, the Petone Community Board hosted a public meeting in Petone on Tuesday 31st October. Around 45 people attended, and their feedback on the policy was fed back to board members in small groups.

Petone people generally think it would be an unpopular decision to introduce paid parking to Petone. Members of the public also think it wouldn't actually fix the problem of there being limited parking on Jackson Street, as it would just push the problems out into residential areas on the side streets (where there is already a big problem). The current time-restrictions, with active parking wardens is perceived as an effective mechanism of managing parking down the street. We welcome the use of technology to help manage parking turnover too, and feel Jackson Street would be a good place to trial any initiatives by council.

Most people at the public meeting felt that the parking policy was taking a one-size-fits all approach, and the nature of Petone was not being considered in the policy. While paid parking might be a suitable mechanism to control parking demand in a CBD area, Petone is not a CBD. Jackson Street is a busy main street in a residential area.

Paid parking would add a barrier to consumers from visiting Jackson Street. While in reality the cost would be minimal, if introduced, it's the perception that it is no longer free that would drive people to other areas. Petone is thriving and Hutt City Council should be doing everything in it's power to protect this.

We support residential parking schemes (i.e. time restrictions with resident exemptions), especially in Riddlers Crescent where most residents have been greatly affected by the new Kmart and nearby workers using it all day while they either leave the city and go into Wellington, or walk to their place of work within Petone.

Most people at the public meeting felt the new hierarchy was generally positive, providing consistency and transparency, however there were some questions around how to quantify which of the three use types were to be used in mixed-used spaces, such as parts of Jackson Street.

We would like to speak to our submission at the City Development Committee meeting on the 28th November 2017.

Re: Submission on Draft Parking Policy on behalf of Hutt City Youth Council

We would like to thank you for including us in the workshopping part of this process and would also like to thank you for the opportunity to provide a written submission on the draft parking policy.

We had found there to be many areas of difficulty when it comes to parking in the Hutt City currently. In particular, Central Petone was found to have several issues, including accessibility of parking when visiting the area, as well as parking for residents, especially during busier times.

A concern we had, following a discussion was around the enforcement of policy. As of recently, we had found that in many areas policy was not consistently patrolled or followed up on. An example observed by one of our members, was double parking, or parking in restricted places around recreational areas in Petone. This concern stems into that if proposed policy changes are made, we are unsure if these changes will be enforced in problem areas.

The Youth Council overall had positive feelings about the holistic nature of this proposal and are pleased that many options are being discussed and explored in attempting to resolve the issue of parking in our city.

We are also pleased to see Public and Active modes of transport being among the top priorities in consideration of this policy as these are among the main modes of transport for young people. This also contributes to the movement towards our city being more accessible and environmentally conscious, which we are very excited about.

A specific conclusion was not reached by our group on how to best resolve these issues, as many options could be effective, but we concluded that increasing turnover in parking would be effective.

We are looking forward to hearing more about how this policy develops going forward, and the changes that could be made to better our city.

Email from Laura Skilton

I went to the public meeting in Petone about the new Parking Policy and then read the policy document the next day. While in principle it is good, and I like the hierarchy system (it documents our thought patterns while answering questions about parking), I felt that the way the document is written could cause issues further down the track.

The three types of areas (live and play, Shop and Trade and Work and Learn, and Make, Grow and Move) are not defined. While there might be reference to these definitions in NZS4404, the document must be purchased as it can not be viewed online. I think it would be easier for Council to link the areas to the District Plan zoning, or at least provide definitions within the document. I was sitting next to someone who is affected by the overspill of Weltec student parking. The document will allow all these residents to complain to Council as they are in a residential area (Live and Play) however there is no "student parking" in the appropriate hierarchy. The only location students are mentioned are for school drop off zones. The road hierarchy on Page 6 should include the District Plan Road hierarchy, not only NZTA and NZS4404. Definitions would again be useful. "Commuter car parking" was explained at the public meeting.

The * under the hierarchy table says that Residential parking does not mean intervention such as a permit scheme and refers to Section 4. However Section 4 includes an intervention of residential parking schemes that except resident from time restricted parking. This IS a permit scheme. When HCC looked at implementing residential parking schemes around Weltec, there was a requirement that a certain percentage of home owners on each street needed to agree to a scheme. I would expect that type of decision making to be included in a parking policy. It gives a clear guidance from the outset about how Council will consider resident parking issues.

There were some questions in the general discussion that I don't think were understood well either. One related to private parking. I think the document also needs to mention that the District Plan provides minimum parking numbers for private developments that this document is only for public parking areas which are predominately on street. At the presentation the mention of Regional Council providing commuter parking (park and ride) was mentioned, but this is not in the document.

The objectives don't really relate to the parking policy. The first mentions safety. A sentence under the hierarchy that states "On Road parking will not be provided in locations where road safety will be compromised, such as close to intersections, on blind corners, across driveways, etc". This would tie the objectives better into the document. Then it would be easier for Council officers to install broken yellow lines at a later date for safety reasons. The word access is used a lot, however access is getting to the destination, the carpark is at the end of the journey. The 85% maximum occupancy could be added to Objective 5.

At the public meeting there were also questions about the existing level of parking. I know Council has undertaken parking surveys earlier in the year, but the results of these have not been provided.

While the last sentence states that Council will investigate ways to improve the use of the Riverbank carpark, the document fails to register that the Riverbank carpark might lose 600 spaces, this is a significant impact on the CBD.

Paid parking emails

Pete Winston – 27 Bay Street, Lower Hutt

I attended the public meeting on the parking policy on Tuesday night and found the presentation to be of poor quality. Today I have read the draft parking policy and also find that the policy document is poorly written. It is also clear by reading it that the various Council staff have not communicated amongst themselves. Firstly the document needs to be clear that parking is provided by both Council and private. The District Plan has requirements for private parking. Public is generally restricted to on street, with the occasional off street parking area provided by Council, such as the Riverbank parking area. At the public meeting it was also mentioned that the Regional Council provides parking for commuters. I did not see this in the policy document. The document lacks clear definitions, for example in the hierarchy, what is "commuter". This was explained in the presentation, but is lacking here. Most importantly, the areas defined are lacking. The presentation referred to the NZ Standard for subdivisions, but this has nothing to do with Hutt City. I believe the document needs to relate back to the District Plan planning zones, and either refer to them, or provide maps indicating their locations. This will reduce issues further down track. For example Weltec. The document will cause considerable conflict as the terms in the hierarchy for residential areas do not include education institutions, but the parking overflow from Weltec encroaches areas that are clearly residential. There is no clear explanation of the 85% parking occupancy target. Also the sentence on Page 8 is poorly written, with reference to "high demands". What is a high demand? The sentence should be re-worded to something like "Council seeks to have a maximum parking occupancy of 85% at any given location as parking occupancies above this level results in a low level of service for the users". The document discusses residential intensification in the CBD and Petone. And I agree that these areas should not have any form of residential parking scheme on street within the CBD. However the recent District Plan change also allows new residential developments in these areas to have no parking. The occupants of these apartments will have cars, and they will end up parking in the fringe areas and encroaching on the residential streets here. The two documents have been prepared without cross communication within Council. Similarly Section 7 discusses the Riverbank carpark. One of the major projects Council is spending ratepayers money on is the Promenade, where up to 600 carparks might be lost, adding further pressure on the CBD. There is no way that the carpark could be used for residential parking in the future. The principles of the parking hierarchy for different areas is actually what has occurred over the past 50 years, but just not clearly specified, and therefore the document does not significantly alter anything. However putting it in writing will cause issues such as the one I mentioned above regarding Weltec as the document is poorly written. The only change I believe that is required to the hierarchy is for the "industrial" areas, where I believe short term parking should be higher than employee parking. It horrifies me that my rates are paying for a document of such poor quality, and then Council has allowed only 3 days for people to make a submission after the public meeting. Making a submission was also incredibly complicated. The "click here" button is only if people have preregistered to make submissions. I don't want to register, I just want to make a submission.

Re write the draft, make it much clearer, define the terms, add maps, add provisions for private parking. Council needs to fully think through the implications in the CBD areas and riverbank. It is clear that one hand of Council is not talking to another.

Annabel White

Petone Trade Aid Trust

As a long term retailer in Jackson St we have seen the incredible growth in petone as advantageous. This has occurred organically with very little intervention from HCC. As a ratepayer I have become frustrated at the money poured into attempting to revitalize Lower Hutt retail precinct.

Please note the unique nature of petone a blend of commercial and residential zoning. I oppose paid parking –it is our point of difference and I imagine you generate a lot of income from the fervor with which parked cars are ticketed for exceeding time zones. Would you generate more from paid parking and the associated costs of installation?. If it is simply a revenue generating exercise then you will penalize stakeholders.

Michelle McDonald, Petone

I am a Petone resident and I absolutely object to you want to put paid parking in Jackson Street, Petone. Jackson Street is unique and a historical precinct and attracts people from all over for our wonderful cafes, bars and shops. It is a very busy area and attracts a lot of out of town people including tourists. Do you not think you charge us enough already for our rates? Just because the Hutt has pretty much closed down bar the shopping mall, why can't you leave our little Petone out of it? You surely make enough money from all in the Petone area as it is.

If you decided to put in a car parking building somewhere for the over flow, then sure charge for this, but leave Jackson Street and the residential streets off this out of it.

Are we supposed to further support your free lunches? Please see some sense with this matter and respect our views.

Dr. Lisa Wildmo-Seerup

Audiologist

The Tinnitus and Hearing Clinic

I would like to register as a business owner in Petone, I am against paid parking on Jackson street. With the addition of some of the major multinational corporations that have come in like Kmart and Rebel sports, who have onsite free parking, it would disadvantage the local retailer if the consumer needs to pay for parking. Historically, Petone has never had paid parking and anecdotally, it has been one of the draw cards to the area and the local retailer. Jackson street is a long street and we often see people going into a few shops only to get into their cars to drive down to another retailer. If people have paid for parking in one area, they would be reluctant to stop at another park. If you would like to increase parking in Petone, reviewing the number of 15 minute spots should be reviewed.

John Donnelly, The Table, Petone

Dear council

I have (skim) read the draft parking policy and cannot see any reference to paid parking being introduced on Jackson Street, but hear from the Petone Community Boards workshop with HCC on Tuesday night (31/10/17) that council officers are talking about introducing paid parking on Jackson Street. What a shock.

I want to object to this move on the basis that it will negatively affect the viability of running a retail business on the street. And I would say that to propose such a policy ignores, and is in isolation to, current retail trends and where consumers are choosing to shop today. Please see this explained in detail below.

With the exception of quality retail offering (and quality environment) such as central Wellington, which has an excellent retail offering and quality built environment, people are primarily shopping

1. Online
2. At Malls – with free parking and good retail offering
3. At the bulk retail with its free parking

Hutt City Council Officers need to put themselves in the shoes of retail consumers and the choice they have about the retail offer and parking. Here are the 5 choices in our area

1. Shop on line, which has an unlimited retail offer and competitive pricing, and there is no cost or consideration of parking
2. Go to Queensgate mall, which has a large selection of shops, 3 hour free parking, and (until the earthquake) mostly cover parking with no exposure to the elements when shopping or parking
3. Bulk retail – such as Briscoes, The Warehouse, Kmart, Bunnings, Mitre10 – free parking – usually unlimited
4. Jackson Street – limited retail – a poor quality environment – proposed paid parking – one hour time frame on parking
5. Central Wellington – premium retail offer – quality built environment – paid parking – but worth it for the retail and built offering.

If you put these into a chart – Jackson Street barely competes, and if paid parking were to be introduced Jackson St retailers will be in a weakened competitive position.

Retail Choice	Retail Offering	Cost of Parking	Parking Timeframe
Online	Unlimited. Widest range of prices including gst exclusive pricing when buying offshore	Free - Is not a consideration No problems with weather or parking	Do not have to consider this. Can shop from home.
Queensgate Mall	Large selection of shops. Under cover.	Free	Up to 3 hours
Bulk Retail	Specialist bulk outlets. Wide range of merchandise.	Free	Usually unlimited
Jackson Street	Limited speciality retail.	Proposed paid	1 hour on street.

1

	Poor retail environment. Exposure to the elements.	(Needs to remain free to be competitive)	Carparks may vary (but are in short supply)
Central Wellington	Premium retail stores. Large variety of quality brands. Premium built environment.	Paid	Usually up to two hour max on street, but car parking buildings are longer or unlimited. Some are low priced in the weekends.

Consumers are making the decisions where they want to shop. They have choices. Jackson St has the weakest overall offer on the chart above.

I am the owner of a quality retail offering on Jackson Street (The Table) and we struggle now to compete with the other retail offers mentioned above. If you watch what consumers are doing, they are choosing to go to the mall, with its selection of shops and 3 hr free parking, or to go to the bulk retail stores, with their low process and free parking, or to shop online, which has no parking considerations or exposure to the elements, or to shop in central Wellington with its premium retail offering. It is very hard to bring consumers to Jackson Street. We spend a large amount on advertising to bring consumers to our retail store.

Adding paid parking to the street only creates a reason not to come to Jackson Street for retail. It will directly result in less consumers coming to the street, and therefore negatively affect the viability of retail businesses on the street.

We would ask that these points be taken into consideration with the proposed parking policy up for consultation, and ask that parking on Jackson St remain free, for one hour.

Also for the council to consider is the supply of parking on Jackson Street. There is already not enough parking, and council needs to buy some land and set up small parking areas behind the shops, as per the car park in Elizabeth Street.

We also point out to council that people that work on Jackson Street park on the streets off of Jackson Street during the day time. Parking for these workers needs to be understood and considered in the parking policy.

We wish to be heard at the submissions process. And could you please acknowledge receipt of this submission.

Deryn Schmidt, Jackson Street, Petone

We have been made aware that the HCC is considering paid parking in Petone and we as business owners on Jackson Street are totally against this. We accept limited parking (60min / 30 min) zones are essential to keep the turnover, but to introduce paid parking would be hugely detrimental to Jackson Street. We have worked too hard over the last couple of years to promote and encourage people to come to Petone to shop from all over the greater Wellington region, with the free limited parking a huge plus and another great way to differentiate us from Wellington City. We can't turn around and now penalise them for their loyalty and custom!

Rachel Ramsay, Lone Star, Petone

We are unhappy to hear that HCC wants to establish paid parking along Jackson St. We have only just found out that this has been proposed and it seems that this is moving very fast with little warning and consultation with businesses on Jackson St. Customers will be put off - there is already limited parking compared to Lower Hutt and having to pay for it will create frustration and annoyance for customers. Customers will choose to take their business to places like Queensgate Mall where shopping is convenient and parking will be free. We advertise free parking as an added incentive to guests coming to our business and I'm sure other shops and restaurants will be advertising the same thing. We would like to make it very clear that as business owners on Jackson St we disagree with Paid parking and believe it will have a negative effect on customs in the area.

Brett Nicholls, The Chocolate Story, Petone

I do not support paid parking along Jackson Street.

The large majority of our customers come to our shop located on Jackson Street due to the free parking. In our shop often customers often spend under \$5 on a hot chocolate or \$4 on a couple of chocolates and sit in the shop to drink, so would not want to pay parking as well.

On Jackson Street parking is already controlled with time limits; the addition of a fee will free up parks only due to the fact that people will stop coming to shop on the street. Free Parking is the only reason Jackson Street retailers survive. Jackson Street is a street which leads nowhere; which is unusual for a shopping village in the middle of a residential/suburban area, therefore relies on destination customers to survive.

The side streets also have parking issues which need to be addressed; mainly due to not being marked into individual car parks, I often see spots where 3 cars could fit, but due to bad parking 2 have taken all the space, A quick walk down a side street such as Britannia street and this issue soon becomes quite obvious.

Regarding the Councils providing safe car parks it should be noted that the peel Car park is not safe, it is not well lit at night and there are regular car break-ins, and could benefit from security cameras.

There has been a resident population growth in Petone with the completion of many apartments, however the car

parks in the buildings are insufficient considering some residents have more than one car/ work cars etc. This then means resident's cars spill onto the streets after hours. Therefore, for Jackson Street to continue to grow as a shopping and eating destination parking areas in Petone do need to be increased otherwise the area will stagnate. With the rezoning allowing for big box retailers to enter the market at the West end of Petone; (Bunnings, Kmart, merged Briscoes, Rebel Sports) it has put pressure on many Jackson Street retailers to compete. This has shown a false sense of growth in the area; when in reality most Jackson street retailers are well down on sales. Paid parking on Jackson Street would decrease the destination shopping traffic even more and make it unprofitable for the niche owner operator businesses to continue.

Caitlyn O'Flaherty

I am submitting to you my objection of the proposal to introduce paid parking on Jackson Street, Petone. I am a resident of Petone and an employee of Build a Birthday, a business located on Jackson Street.

Complaints from customers about availability of parking have increased around the time Kmart moved into Petone and are getting worse. It is important that our customers get nearby parks, as taking balloons on windy days is difficult enough without having to walk blocks. Demand has also increased due to large businesses coming into the area (that have not provided sufficient parking for all of their customers), plus the area is popular and doing well. The council needs to increase the supply rather than charge to "reduce" the number of cars coming to our shops or encourage the use of public transport. Introducing paid parking in will reduce the number of customers we have and send them to the likes of Kmart, Queensgate etc. Petone's hub of locally owned businesses will slow down dramatically over time, as we have seen with Lower Hutt customers choosing Queensgate and its free parking instead of paying for parking and supporting smaller locally owned businesses outside of Queensgate. Some businesses such as ours do not come with car parking and it is impossible to add parking currently. Paid parking is also not available. Where would employees park? Some cannot afford to pay for parking and took a job in Petone as opposed to the city due to free parking and ease of getting there.

Residents parking should also include businesses with employees. At least 5 vehicles belonging to the business owner or employees are parked down Bay Street. Most residents have driveways, so they still have the option to park there. There are a lot of wasted spaces due to lack of markings on the road in Bay Street, eg. one car takes two parks. This happens daily.

What are some possible alternatives to introducing paid parking?

Better road markings down side streets to prevent aforementioned wastage of parking space.

Find locations for car parks, e.g. Use of current Park N Go site. Some revenue can be from parking tickets. Work with Metlink to implement a tickets system that encourages commuters to get a bus then train, as opposed to car then Park N Go then train. Use the car parking for overflow of new parking requirements. Why should Petone businesses suffer and commuters be allowed to park all day in Petone for free without adding any value to the Petone community.?

Investigate which big box retailers are having overflow issues onto the roads (e.g. Bunnings) and look at how they can increase their parking capacity on their site.

Many business owners, employees and residents of Petone are heavily opposed to the introduction of paid parking in our thriving community, as it will create more hindrance than help.

Colin White, 91 King's Crescent

It is proposed that in the new designated medium density housing areas that there be no parking allowance, these areas are already overparked even though the houses they are parked outside provide on site parking. when developers increase the number of dwelling units on site and provide no parking there will be no way residents or visitors can park.

is the Council going to provide "Residents Parking Areas" ?

Che Cormack, Salvation Army

As a small business operator on Jackson Street(Petone Family Store, 288 Jackson St), I would like to register my opposition to the proposed pay-for-parking in petone and specifically jackson street. I would like to see greater turnover of cars in car parks, but i advocate shorter time frames instead of parking fees.

Amie McCarron, Petone

I would like to voice my objection to introducing paid parking to Petone.

As a local resident I regularly make unplanned stops to different retailers while driving down Jackson Street if I see a free park outside. The amount of times I have made purchases stores that I would not have if I had to pay for parking. It's not even the cost issue – it's the pure inconvenience when you might only be 10 minutes.

I believe 100% it will hurt Jackson Street retailers as it would discourage locals like myself and people passing by being enticed in with hassle free carparking.

I have also worked in retail in Petone casually for many years and I have watched the vigilant parking wardens enforce the 60 mins. I can't count the number of tickets I see handed out. Surely the revenue from that is enough.

Please keep the 60min free parking.

Hellen Swales, Jackson Street Programme

I have a question whilst I didn't attend the public meeting on Tuesday night I believe a power-point was presented to the attendees. Could I get a copy of that please.

Also having gone through the Parking Policy Paper out for consultation I am not sure I agree with your e-mail.

Also I have followed the link at the bottom of page 4 only to be confronted with if I want to read this reference I need to part with some funds. I have tried to download the free copy to no avail. It would be nice if Hutt City Council could share there copy with the JSP as this is the reference material being quoted. Also think I need to mention that if your going to reference a document it should be easily accessed by the public.

Also when I read the Executive Summary:-

second bullet point -

- supporting economic performance – ensuring parking is well-used and also regularly available;

"Using mechanisms such as pricing or time restrictions where required" as one of the activator to ensure that parking is turned over.

I believe a reader could take that as the possible introduction of paid parking????? I don't believe the explanation is defined enough it is to general. And whilst you don't make mention to Jackson Street the inference could be taken that Jackson Street is included. Also there is a repetitive mention that one size fits all that this is the thinking of the officers. We in Petone would dispute that.

We would also want to know the frequency of the assessment that are mentioned on pg 8 will take?

Also on Pg 8 you mention Pricing and time Restrictions But you have replied to those submitters from Petone retail that this will not apply to Petone (Jackson Street) but we don't see that mentioned anywhere. So as written it could apply to JS.

If you are going to deter commuter parking and want the public to go to public transport I would hope that the council would push for a single ticketing system which would encourage this migration to public transport and would possibly stop those that travel to Petone to catch the BUS into the city (Wellington). It is also mentioned in the document that

When you continue to read this paper it make reference on page two

Page three - Objectives for the supply and management of parking

3. A city that is environmentally resilient – reflecting Council’s work in leading environmental stewardship and resilience.

One of the initiatives is to promote Electric Vehicles (refer to page 7) last paragraph. With the projected figures that are being aspired to will that add pressure to the parking needs. Is there already a plan for where these cars will be accommodated.

4. A city that has equity of access – supporting Council’s work to create a walkable and people friendly city accessible to all transport modes.

We need to look at the interconnection of the Trains with the Busses. We need a space for those that catch the bus from Petone to the City (Wellington) I don't believe anyone has looked at how many travel into Petone from the various suburbs to catch the bus into Wellington. We have no catered space for these people like the park and ride.

We see inconsistencies in the consultation document and not enough clarity, the interpretation is ambiguous at best and not giving officers or the public a clear definition of what is being proposed.

We would like to speak to our submission and before that have the opportunity to read the NZ that has been referred to before we do please.

Fay Drysdale, Build a Birthday, Petone

I am hoping that you will accept this submission regarding the Proposed parking Policy. I realise that it is a few hours late due to working long hours.

I was unable to attend the Public meeting due to only being made aware of this a few days prior. I have tried reading the relevant documentation, however find that it is not a "easy read".

I have important information I would like the council to consider, regarding parking and the impact it has on business, employees, customers and locals:

- Complaints from customers at Build a Birthday, 252 Jackson St, Petone about availability of parking have increased considerably around the time K Mart moved into Petone and are getting worse. It is important that our customers get nearby parks, as taking balloons on windy days is difficult enough without having to walk blocks.
- Demand has increased due to large businesses coming into the area, that have not provided sufficient parking for their customers, plus the area is popular during day time and evening.
- To resolve these issues, Council should look at ways to increase the supply or encourage the use of public transport. It is important that **any change** does not "reduce" the number of cars/customers coming to our shops or the time they need to shop. On average customers purchasing party, cake decorating supplies and balloons spend about 45 minutes in store. Our party consultants work with customers to ensure they have everything for the party. Some customers may just pop in but we have also been known to spend 3 hours with customers, especially with groups purchasing "by committee".
- Paid parking is not a good idea whether implemented now (it is not clear whether this is being proposed) or in the future. Putting paid parking in will reduce the number of customers we have and send them to the likes of KMart, Mall etc Petone will look like Lower Hutt over time. It would be extremely detrimental to my business.

- Some businesses like mine do not come with car parking and it is impossible to add parking now. Private Paid parking is also not available. Where would employees park? Some of them cannot afford to pay for parking and took a job in Petone opposed to the city, due to free parking and ease of getting there. Do I need to increase wages to cover this? This will have a serious impact on my business costs.
- There are a lack of suitable loading zones. The loading zone on the opposite side of the road is not used, as much as the 10 minute park on Bay street by couriers etc. Couriers and freight companies have difficulty delivering to my business. I have difficulty parking close to my business to load hundreds of helium balloons in the van for delivery.
- If residential parking is being considered, Residents parking should include businesses with employees. I have at least 5 vehicles parked down Bay street that are business or employees. Most residents have driveways, so they still have the option to park there.
- There are a lot of wasted spaces due to lack of markings on the road in Bay Street i.e. one car takes two parks. This happens daily in more than one area along Bay Street.

Solutions:

- Better road markings down side streets, will increase the supply of parks.
- Add loading zones around the corners of every side street off Jackson Street, where appropriate. Remove the Loading Zones from Jackson St and free them up for customers.
- Find locations for car parks, e.g. Use of current Park N Go site. Some revenue can be from parking tickets.
- Work with Metlink to implement a tickets system that encourages commuters to get a bus then train, apposed to Car then Park N Go then train. Use the car parking for overflow of new parking requirements. Why should Petone businesses suffer and commuters be allowed to park all day in Petone for free without adding any value to the Petone community.
- Investigate which big box retail is having overflow issues onto the roads e.g. Bunnings and look at how they can increase their parking capacity on their site.

I hope this submission is helpful to resolve the current parking issues and keep in mind the impact to businesses, employees, customers and residents.

David Tripp, High Street, Petone

I would like to present my submission orally.

My concern is with council's proposed policy on Resident Parking schemes as it pertains to the existing resident parking scheme in Petone.

The proposed policy says, on page 9:

If residential parking permits are issued, a maximum number of two permits per property will be allowed and the number of permits issued will be reduced by one permit per off-street parking space, including driveways. Council will charge a fee for permits, which will be assigned to a particular vehicle and non-transferrable. Permits will allow parking in a specific area only and have to be renewed annually.

High St, Petone, has an existing residents parking scheme. This was introduced following detailed community consultation in 2011 and 2012. The subsequent report to council (Report no: PCB2012/3/110 (3)) recommended:

- c) introducing time restricted parking of P120 and P180 in High Street
- d) trialling a Residents' Parking Scheme in High Street

This resident's parking scheme was later assessed and retained. It was also considered and its importance noted in mitigating the effects of the District Plan changes creating the Weltec Education Precinct.

The rationale for the parking scheme was the particular pressure on residential parking that had resulted from Weltec's expansion into N Block on Cuba St, and Weltec's inability to provide sufficient off-street parking for the large number of students attending this facility.

Council accepted this was creating an excessive impact on the surrounding streets, and following consultation agreed that High St would, to reduce the impact on their neighbourhood, would have a residents parking scheme that was:

- Free to residents, and
- Entitled residents to as many permits as there were cars belonging to residents.

The current policy appears to over-ride this solution, without doing anything to otherwise ameliorate the Weltec's impact on this neighborhood.

This is unfair, and undermines the integrity of this previous agreement.

I recommend that Council either:

- a) Grandparent the existing provisions of the High St residents parking zone into the parking policy, or
- b) Require Weltec to provide substantially more off-street parking around N Block, and make subsequent changes to the District Plan provisions relating to the Weltec Education precinct.

Hutt City Council – parking policy

14 November 2017

Executive Summary

Successful cities depend on a safe and efficient transport system. Parking is a key resource in this system and facilitates access to activities and attractions in the city, such as employment, shopping, and social opportunities. The management of parking influences people's decision to drive or to use other transport modes, and also affects safety and congestion on the roads.

Hutt City Council's parking policy provides the strategic direction and framework for the supply and management of Council regulated public parking in the city. Parking in the city is also provided by private parking companies, large retail business, as well as Greater Wellington Regional Council which provided park & ride facilities at Petone and Waterloo stations. Council's approach to parking contributes to its long-term strategies in terms of:

- safe and efficient movement of people and goods;
- supporting economic performance – ensuring parking is well-used and also regularly available;
- contributing to environmental sustainability and the resilience of our infrastructure;
- shifting transport choices;
- supporting Council's work to enhance walkability and a cycle-friendly environment; and
- delivering high-quality customer service.

1. Introduction

Effective parking management is critical to a safe and efficient transport system providing access to destinations and activities in the city and also strategically important to shaping Hutt City for the future.

Hutt City Council has a central role in the supply and management of parking. Council is responsible for on-street parking across the city and has off-street parking in locations such as the Riverbank carpark and in areas around the Civic Centre in Laings Road. Council's Parking Services Team enforces compliance with parking restrictions in order to ensure good access to the city.

Council's focus is on more effectively managing the city's parking resources rather than creating more supply.

Both the approach to transport planning and people's expectations in relation to transport and the infrastructure that supports it are changing. While the transport system is currently dominated by provision for private vehicular transport, research recognises that factors such as limited network capacity, demographic change, a focus on resilience and urban intensification, the emergence of driverless vehicles and growing use of transport as a service, will radically change the way people travel, influence vehicle ownership, and affect parking requirements. Council is responding to these challenges by developing an integrated approach to the city's transport system that includes improving the road network and active transport connections and infrastructure, as well as more effective parking management.

The availability, cost, and any restrictions placed on parking influence decisions regarding the mode of transport used which in turn affects the level of congestion in an area and travel time to destinations. Parking management facilitates safe and efficient access to destinations and activities and therefore to creating a thriving liveable city for residents and visitors, reducing car travel, supporting greater use of public transport, and enhancing experience of the built environment in the city.

Using mechanisms such as pricing or time restrictions where required, Council will ensure that parking is available and enables access to employment, retail and leisure opportunities. Similarly, our approach to parking management will support and enable our work to improve the use of active and other modes of transport.

2. Objectives for the supply and management of parking

The policy seeks to ensure that people are able to access the city and interact with its activities effectively using a variety of modes of transport, and enables Council to take a consistent approach across the city. Hutt City Council's objectives for the supply and management of parking are:

1. *A safe city – prioritising the safe movement of people, while enabling efficient movement of goods and services.*
2. *A liveable and thriving city – supporting place-making, amenity, and economic growth.*
3. *A city that is environmentally resilient – reflecting Council's work in leading environmental stewardship and resilience.*
4. *A city that has equity of access – supporting Council's work to create a walkable and people-friendly city accessible to all.*
5. *A high level of customer service – delivering a quality experience for residents and visitors.*

3. Road space hierarchy

The road corridor is a key public space that is managed by Council. This space is limited and using it effectively is crucial to achieving social, economic and environmental, success. There are many competing demands for road-space and while provision for parking vehicles is important it is not the only use of this space.

Council uses the hierarchy shown below to help manage the demand for and use of the city's road-space according to the policy objectives in section 2 and the needs of particular areas. The hierarchy is a guide to assist Council in making consistent decisions and ensure that parking serves the main purposes and land-use of areas in the city. Without effectively managing demands for on-street spaces parking resources become saturated and their usefulness diminishes.

The hierarchy adopts the land use types from *New Zealand Standard 4404: 2010 – Land development and subdivision infrastructure*, rather than using Hutt City's District Plan Activity Areas (also commonly known as zones). Groups of users and movements are then given priority within the land-use areas identified. The District Plan Activity Areas have clearly defined boundaries and are used to define and control the activities permitted in those areas. Adoption of the NZS4404 land uses is also appropriate as new roads are required to meet this engineering standard under Chapter 14A (Transport) of the District Plan (under Plan Change 39). By using the more generalised land uses adopted in NZS4404 when considering the use of road-space, Council will be better able to consider areas with mixed land use types, such as where shops are located within residential areas, or apartments are located within commercial areas.

Applying the hierarchy will still require officer judgement due to the numerous combinations of land use and parking demand. The city has many different land-uses in close proximity to each other as well as historic precincts with limited off-street parking and areas which, although primarily residential, also include educational institutions, retail, or commercial interests. The pressures that these different land-uses place on road-space will be considered when using the hierarchy.

Users with lower priority may still have access to on-street parking, however their access may be limited and restrictions may be implemented to ensure that space is attractive and available for users and uses with higher priority.

The main priority for all areas is safety e.g. through no stopping zones. There are also several other common priorities across the hierarchy, which are ensuring existing property access, mobility parking, and space for public transport and developing infrastructure for active modes. An adequate supply of mobility parking is crucial in providing good access to the city for people with impaired mobility. Similarly, prioritising road space for improving connections to the city by public or active transport will assist with transport choices and help manage parking demand.

In **Live and Play** areas on-street parking spaces are important to support resident parking where none can be provided off-street. However, parking for residents also needs to be balanced against the needs of short-term customer parking for local shops, services, community facilities, schools and educational institutions. Parking for local employees and, to some extent commuters, can also be accommodated in these areas if possible.

In **Shop and Trade, and Work and Learn** areas on-street parking is a key resource to support access for customers to shops, restaurants, and social opportunities. It is also important to provide good access to public and active transport provision, suitable mobility parking spaces close to key

destinations, and that pick-up and drop-off spaces and loading zones are available to service the areas. For example, in shopping areas short-term parking for shoppers receives high priority in order to contribute to the performance of businesses in the area. Commuters and employees may still be able to find spaces in these areas however restrictions on the parking, in terms of time-limits or pricing, could reduce the usefulness of these spaces to such users. Those users looking for longer-stay parking may need to park in areas further away from centres or in off-street parking areas.

Similarly, research indicates that in some instances reallocating road-space from parking to improve amenity, create people-friendly spaces and encourage travel by other transport modes contributes to economic performance, and priority is given to such use of space. This could be the case for example in terms of developing outdoor dining areas, contribute to RiverLink, and to enable the provision of infrastructure to improve access to destinations by cycling or walking.

In **Make, Grow and Move** areas on-street space is important to enable effective movement of goods in and out, as well as links and access to the areas by public and active transport. Some priority is also given to short-term parking for clients or customers as well as to local employee parking in these areas to avoid some of the overspill of longer-term parking to adjacent areas.

Road Hierarchy		Road-space Hierarchy		
NZTA One Network Road Classification	NZS4404			
National Road		No parking		
Regional Road	Major arterial			
Arterial	Minor arterial	Live and Play (Residential and Parks)	Shop and Trade & Work and Learn (Retail and Services & Offices and Schools)	Make, Grow, and Move (Agricultural, industrial, and warehouses)
Primary Collector	Connector/Collector			
Secondary Collector	Connector/Collector			
Access	Local Road			
Access (Low Volume)	Lane			
		1	No stopping zones	No stopping zones
		= 2	Existing property access	Existing property access
			Public transport stops	Public transport stops
			Mobility parking	Mobility parking
			Active modes – including provision for removing car park spaces for walking and cycling infrastructure	Active modes – including provision for removing car park spaces for walking and cycling infrastructure
			Active modes – including provision for removing car park spaces for walking and cycling infrastructure	Active modes – including provision for removing car park spaces for walking and cycling infrastructure
		3	Drop off/ pick up zones (schools/ rail)	Amenity - inc. landscaping and/or adding street furniture
		4	Residential parking	Drop off/ pick up zones (schools/ rail)
		5	Short-term parking	Loading Zones
		6	Loading Zones	Motorcycle/scooter parking
		7	Amenity - inc. landscaping and/or adding street furniture	Local employee parking
		8	Motorcycle/scooter parking	Short-term parking
		9	Residential visitor parking	Amenity - inc. landscaping and/or adding street furniture
		10	Local employee parking	Residential parking
		11	Commuter car parking	Residential visitor parking
			Commuter car parking	Commuter car parking

The top five uses of space are the same across all areas and reflect road safety and efficient movement, and Council's aims of improving access to the city by public transport and active transport.

The difference between local employee parking and commuter car parking is as follows: Commuters are those who park their vehicle before boarding another form of transport e.g. bus or train to their place of work; local employees are those who park their vehicle before travelling a short distance, most likely on foot, to their place of work. The effect of both uses is the same – all day occupancy of parking spaces – and therefore, apart from in Make, Grow and Move, the hierarchy does not provide for a significant difference in the priority given to these categories.

4. Mobility parking

Mobility parking that is well-located, accessible and safe is crucial to enabling people with disabilities to easily access areas and destinations in the city. Hutt City Council provides a number of mobility spaces in Shop & Trade and Work & Learn areas in the city. A valid mobility parking permit must be displayed whilst parked in these spaces. Hutt City Council's Parking Services Team proactively enforces restrictions with regard to mobility parking.

Council will not generally provide mobility parking spaces in residential areas. However, officers will assess situations on a case by case basis.

Reflecting that people with disabilities will often require more time to get around and conduct their business and activities, those with valid mobility parking permits are allowed to park for double the time in spaces which are otherwise restricted to 30 or 60 minutes.

Parking space	Concession
Spaces specifically designated as disabled parking spaces	People with a mobility parking permit can park for the time shown only. The default time for these spaces will be 120 minutes.
P30 time-limited	People with a mobility parking permit can park for 1 hour
P60 time-limited	People with a mobility parking permit can park for 2 hours
Paid parking areas of up to 1 hour	People with a mobility parking permit who pay for the time period shown can park for double the time period allowed. P30 – mobility parking permit holders can park for 1 hour. P60 – mobility permit holders can park for 2 hours.
P5, P10, P15, P120, P180, P240	There are no concessions for mobility permit holders in spaces with these restrictions.

Hutt City Council will regularly review mobility parking to ensure that there is sufficient supply, that spaces meet design standards, and that spaces are located appropriately.

5. Intervention

The hierarchy identifies the priorities for use of road-space and, in some instances, ensuring that the space is available and used in-line with the priorities will mean implementing restrictions such as time-limits or pricing or amending current restrictions. Interventions could also include removing parking so that the space can be put to a different use.

The parking policy sets out the rationale and framework used by Council to both proactively ensure that the use of road space is contributing to its objectives and to respond to requests from other parties in relation to use of road-space and parking. Assessments will explore situations on a case by case basis, including the character and land-use of the particular area and nearby areas using the road-space hierarchy, data on parking use, as well as the potential effects of any interventions on adjacent areas. Council will continue to conduct public consultation with regard to any changes that are proposed.

Council will seek to achieve the peak time occupancy rate of 85% for on-street parking. This occupancy rate means that parking is well used and people can still find spaces. Occupancy which is regularly above this level results in a poor level of service for users, and means that the parking is not servicing the needs of the particular area. If occupancy is identified as being regularly above 85%, Council may recommend changes to the management of parking in the area.

Pricing and time restriction

Mechanisms to directly manage parking include the introduction of parking fees, changing existing fees, introducing or changing time restrictions, and establishing permit areas e.g. in residential areas. Council will consider using these mechanisms, alongside promoting active transport and the use of public transport, to ensure that parking resources contribute to our objectives and long-term strategies.

Pricing is an effective tool for managing parking in areas of higher demand. A reasonable price does not deter people from visiting an area where there are activities and attractions and is effective in ensuring that a number of spaces are regularly available in busy parking areas.

Time restrictions can work well in areas which have low to medium parking demand. As demand increases it is possible to reduce the time-limit in an area or parts of it to better manage the parking available. If demand for parking is high, setting a reasonable cost for the parking is the most effective tool for ensuring turnover of spaces. In some areas of the city time restricted parking is currently misused e.g. employees of local business, who move their cars several times a day to exploit time restricted free parking.

Parking in residential areas

Busy on-street parking in primarily residential areas can cause access and safety problems for residents, visitors, and other road users, particularly in areas around commercial centres, the central business district and transport hubs, where on-street parking is used by employees/commuters during the working day. Lower Hutt currently has few areas where there is need to create resident parking schemes. As the city changes both in terms of its population and residential profile it is important that we have an approach to effectively manage any parking issues.

Intervention to address parking pressures in residential areas will be designed for the particular local situation and could include:

- time-limits for part of the area to deter commuter parking;
- residential parking schemes that exempt resident from time restricted parking.

Implementing time-restrictions to parking, with exemptions for residents, can relieve parking pressures. Time restrictions could apply to all or sections of the street/area.

As each area in the city has different pressures local situations will be assessed on a case by case basis. Initially, Council will assess the use of parking in the area. If on-street parking occupancy is regularly above 85% we will explore implementing parking restrictions. In areas where on-street parking use is high assessments will include whether properties:

- have off-street parking at all on the property;
- there is space on the property that could be converted to off-street parking; and
- the availability of on-street parking within a reasonable i.e. 400 meter, walking distance.

Consideration will also be given to whether land use changes have had a detrimental effect on parking availability in the area and any other factors that are relevant to the specific situation being assessed.

Council will charge an administration fee for issuing permits and operating permit schemes. Residential schemes do not guarantee people a parking space.

New developments in resident parking scheme areas

If a residential parking scheme is created in an area, any new-build developments in that area may not be eligible for a parking permit. With any new developments both developers and potential renters/buyers are responsible for arranging sufficient off-street parking to meet their needs. This approach ensures that the cost of providing parking is not passed on to ratepayers.

Residential intensification in Central Business District or Petone commercial areas

Hutt City Council is aiming to increase the population of commercial areas such as the Central Business District (CBD) and Petone through enabling residential intensification. City centre living is often aimed at households who want the convenience of living near attractions, shops, and public transport provision where, for the most part, owning a vehicle is not necessary.

Changes proposed to Hutt City Council's District Plan in 2017 allow developers to build dwellings in these areas without on-site parking. New developments built in these areas after the District Plan change will not be eligible for resident parking permits or exemptions to time restricted parking. There are parking restrictions – either time-limits or pricing and time-limits – in much of the CBD and Petone areas and residential parking is not a high-priority compared to other uses for on-street space.

Hutt City Council will work with developers to ensure that they and occupants have clear information regarding parking.

Miscellaneous permits/exemptions

Hutt City Council currently allocates permits that temporarily exempt specific users from time-limits or paying for parking for special events and some construction work. In some instances users are required to pay for such exemptions and in some instances they are not. Council will establish a formal system and fee structure for allocating exemptions to parking restrictions.

6. Enforcement

Council's Parking Services Team has an integral role in ensuring that the city's transport system works safely and efficiently. Effective enforcement contributes to safe roads, encourages turnover of parking spaces, and helps keep traffic moving efficiently. The Parking Services Team:

- monitors compliance with parking rules – and tickets offenders;
- monitors vehicle and public safety by checking for a valid Warrant of Fitness, vehicle registration, and condition of tyres; and
- delivers an important service to the public in terms of advice on parking, directions, and other matters.

Council's ability to provide enforcement of parking restrictions across the city, and respond to requests for more effective enforcement in some areas, is currently limited. Hutt City Council is investigating the implementation of new technology to provide an integrated approach to parking in the city, improve the efficiency of enforcement, provide in-depth data to inform future interventions, and improve customer service. Technology could enable Council to improve the efficiency of parking enforcement through more targeting and better coverage, and therefore contributes to increasing road safety, flow of traffic in busy areas, and more effectively ensuring turnover and availability of parking spaces. Council will:

- implement technology to offer additional customer payment methods;
- improve the information to customers in relation to parking location and availability; and
- investigate technology, including licence-plate recognition and sensor based systems.

7. Encouraging access via other modes of transport

Parking management is a key aspect of the city's overall transport system being both essential to providing access to destinations and a factor that influences people's choice of transport. Managing parking more efficiently with the aim of reducing vehicle travel will contribute to improving access to other modes and the overall environment for those modes.

Implementation of the parking policy intersects with Council's focus on active transport infrastructure and levels of service in order to improve walkability and cycle-friendly access to the city. The focus on improving transport connections by active modes is reflected in the priority given to this activity within Council's road space/parking hierarchy. Council's work on active transport also includes improving the links between active transport routes and transport hubs such as train stations in the city.

Council's road space hierarchy gives priority to encouraging access by public transport and we will work with Greater Wellington Regional Council to improve public transport provision and the effectiveness of their park and ride facilities at Petone and Waterloo stations.

8. Best use of existing parking resources

In addition to Council's parking resources there is also a supply of private parking across the city. Where possible, Council will work with providers of private off-street parking to make more effective use of this resource. For example, exploring:

- the use of private parking resources during the evening for events;
- whether parking that is under-utilised during the week can provide parking for commuters in some areas; and
- whether some on-street parking in front of businesses which are closed at the weekend can be made available.

Council will also investigate ways to improve the use of the Riverbank carpark as an area close to the city centre that can provide affordable all-day parking for employees and commuters.

10 October 2017

File: (17/1541)

Report no: PRC2017/5/288

Cemeteries Bylaw 2017

Purpose of Report

1. To recommend the adoption of the Hutt City Council Cemeteries Bylaw 2017 and revoke the Cemeteries Bylaw 2007.

Recommendations

It is recommended that the Committee recommends that Council:

- (i) notes that no public submissions were received with respect to the proposal to revoke the existing Cemeteries Bylaw 2007 and adopt the Cemeteries Bylaw 2017;
- (ii) determines that, in accordance with section 155 of the Local Government Act 2002, the proposed bylaw –
 - a. Is the most appropriate form of bylaw;
 - b. Does not give rise to any implications under the NZ Bill of Rights Act 1990; and
- (ii) agrees to revoke the existing Cemeteries Bylaw 2007 and adopt the Cemeteries Bylaw 2017, effective from 1 January 2018.

For the reasons set out in the report below.

Background

2. The Council resolved at its meeting on 15 August to undertake the special consultative procedure and seek submissions on the proposal to revoke the Cemeteries Bylaw 2007 and adopt the Cemeteries Bylaw 2017.
3. Public notice was given in accordance with the provisions of the Local Government Act 2002 (LGA). Copies of the Summary of Proposal, along with the Statement of Proposal were placed in all Council libraries and at the Council Administration Building. This information was also placed

on the Council's website. This information is attached in Appendices 1-3 of this report.

4. The closing date for submissions was Monday 25 September 2017. No submissions were received.
5. It has been agreed that the matter should now be reported to this Committee. Officers recommend that the Committee recommend to Council that the proposal to revoke the Cemeteries Bylaw 2007 and adopt the Cemeteries Bylaw 2017 be approved as proposed without amendment.

Discussion

4. No submissions were received, indicating that the public had no objection to Council's bylaw proposal.

Options

5. The option in light of the outcome of the special consultative procedure is to accept or reject the recommendation from staff.

Consultation

6. This report is the consequence of the special consultation process required to revoke the Cemeteries Bylaw 2007 and adopt the Cemeteries Bylaw 2017. Funeral directors and stone masons were also advised of the proposal.
7. Once the 2007 bylaw has been revoked and the new Cemeteries Bylaw 2017 adopted, Council must give public notice of its decision, including the date upon which the decision will become effective.

Legal Considerations

8. This report is the consequence of the special consultation process required to revoke the Cemeteries Bylaw 2007 and adopt the Cemeteries Bylaw 2017.

Financial Considerations

9. There are no financial considerations.

Other Considerations

10. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of the local government in that it meets the current and future needs of the community.

Appendices

No.	Title	Page
1	Summary of Proposal – Cemeteries Bylaw 2017	109
2	Statement of Proposal - Cemeteries Bylaw 2017	111
3	Proposed Cemeteries Bylaw 2017	118

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SUMMARY OF PROPOSAL - CEMETERIES BYLAW 2017

Council proposes to make a Hutt City Council *Cemeteries Bylaw 2017* (“the 2017 Bylaw”) to replace the current 2007 Cemeteries Bylaw.

THE CURRENT 2007 CEMETERIES BYLAW

The 2007 Bylaw deals with specific activities and behaviour in cemeteries which:

- a) may give rise to a public nuisance;
- b) may threaten public health and safety;
- c) has the potential to give rise to offensive behaviour in public places;
- d) may result in damage, misuse or loss of property which Council owns or operates.

The activities include, among other things:

- health or safety hazards - for example, materials left in a cemetery could cause danger to passers-by;
- damage to property or the environment - for example, wilful damage to a headstone;
- unnecessary distress to mourners or relatives – for example, unclear or inconsistent rules associated with the management and operation of a cemetery; or
- disruptive or offensive behaviour - for example, wilful damage to a cemetery plot.

The current Hutt City Council Cemeteries Bylaw 2007 can be viewed by visiting the Council website:

www.huttcity.govt.nz

THE PROPOSED 2017 CEMETERIES BYLAW

A bylaw about cemeteries is consistent with the provisions in the Local Government Act 2002 relating to the Council's bylaw-making powers. Council considers that it is still necessary to have a bylaw relating to cemeteries for the purposes of:

- protecting the public from nuisance (section 145(a));
- protecting, promoting and maintaining public health and safety (section 145(b));
- managing, regulating against or protecting from, damage, misuse, or loss, or preventing the use of the land, structures, or infrastructure associated with cemeteries (section 146(b)(v)).

The proposed 2017 Bylaw will ensure adequate controls are retained to meet public expectations around maintaining and operating cemeteries within Lower Hutt.

In preparing the proposed 2017 Bylaw Council considered that the provisions of the 2007 Bylaw remain the most appropriate way of addressing the range of activities and behaviours as summarised above. For this reason the proposed 2017 Bylaw contains the same clauses as the 2007 Bylaw.

CONCLUSION

The proposed 2017 Cemeteries Bylaw seeks to regulate the range of activities undertaken in cemeteries within Lower Hutt so as to maintain standards for public health and safety, protect the public from nuisance, minimise the potential for offensive behaviour in public places and to manage property owned or operated by Council for the wellbeing and enjoyment of the public within cemeteries. The proposed bylaw will replace the existing Hutt City Council Cemeteries Bylaw 2007.

Council is seeking submissions on this proposal. The full statement of proposal to create the 2017 Bylaw as noted above along with a submission form are available on the Council website www.huttcity.govt.nz or at the Hutt City Council Administration Building, 30 Laings Road, Lower Hutt, and all Hutt City Council libraries

Submissions open on 22 August 2017 and close at 5.00pm on Monday 25 September 2017.

STATEMENT OF PROPOSAL TO MAKE THE HUTT CITY COUNCIL BYLAW 2017 CEMETERIES

AND REVOKE THE HUTT CITY COUNCIL
BYLAW 2007 CEMETERIES

AUGUST 2017

CONTENTS

1. Introduction.....	3
2. Background.....	3
2.1 The perceived problem	3
2.2 Most appropriate way to address perceived problem.....	4
2.3 Most appropriate form of bylaw	5
2.4 Implications under the New Zealand Bill of Rights Act 1990 ("NZBORA")	5
3. The Proposed Bylaw	5
3.1 Additions, modifications and deletions made in respect of existing bylaw.....	6
3.2 Explanation of the proposed Bylaw content	6
4. Process for the Development of the Proposed Bylaw	7

1.

1. INTRODUCTION

Hutt City Council proposes to replace the existing Hutt City Council Cemeteries Bylaw 2007 (“the 2007 Bylaw”) with a new Cemeteries Bylaw 2017 relating to cemeteries (“the proposed Bylaw”).

This Statement of Proposal has been prepared in accordance with section 83 of the Local Government Act 2002 (“LGA”). It includes information about the review process and whether it is appropriate for the Council to have a bylaw relating to cemeteries.

2. BACKGROUND

Council is required to review its Bylaw relating to cemeteries before 3 July 2017, under section 159 of the LGA. If the review is not undertaken within 2 years of this date the bylaw lapses. Under sections 159 and 155, the review of a bylaw must take the form of reconsideration of the matters that the Council is normally required to consider before making a bylaw.

The Council must therefore determine whether a bylaw is the most appropriate way of addressing the perceived problem. If so, the Council must determine whether the proposed Bylaw is the most appropriate form of bylaw, and whether the proposed Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (“NZBORA”). No bylaw can be inconsistent with the NZBORA. In reviewing a bylaw, the Council must use the special consultative procedure set out in section 156.

Under section 145, the Council may make bylaws for its district with the purposes of:

- a. protecting the public from nuisance;
- b. protecting, promoting, and maintaining public health and safety;
- c. minimising the potential for offensive behaviour in public places.

Council can also make bylaws for specific purposes as listed in section 146, for example, for the purpose of managing and regulating cemeteries (section 146(b)(v)).

The 2007 Bylaw can be viewed by visiting the Council's website: www.huttcity.govt.nz

2.1 THE PERCEIVED PROBLEM

A range of activities occur in cemeteries without causing any problems. Occasionally, however, some activities create problems which are required to be addressed by the Council. These activities may cause:

- health or safety hazards - for example, materials left in a cemetery could cause danger to passers-by;
- damage to property or the environment - for example, wilful damage to a headstone;
- unnecessary distress to mourners or relatives – for example, unclear or inconsistent rules associated with the management and operation of a cemetery; or
- disruptive or offensive behaviour - for example, wilful damage to a cemetery plot.

The perceived problem means that a bylaw about cemeteries is consistent with the provisions in the LGA relating to the Council's bylaw-making powers. The Council considers that it is still necessary to have a bylaw relating to cemeteries for the purposes of:

- protecting the public from nuisance (section 145(a));
- protecting, promoting and maintaining public health and safety (section 145(b));

- minimising the potential for offensive behaviour in public places (section 145(c));
- managing, regulating against or protecting from, damage, misuse, or loss, or preventing the use of the land, structures, or infrastructure associated with cemeteries(section 146(b)(v)).

Hutt City Council has a commitment to achieving city wide outcomes identified by the community. Community Outcomes are set out on page 7 of the Hutt City Council's *Long Term Plan 2015 – 2025*. The Parks and Reserves activity (which includes the provision of cemeteries) contributes to our community outcomes of healthy people, a healthy environment, actively engaged in community activities and a healthy and attractive built environment.

It should also be noted that since 2012, Council has also published a series of major strategic documents. Council's vision for Lower Hutt is 'An Integrated Vision for Hutt City – making our city a great place to live work and play.' This vision and four supporting strategies now provide the basis for the city's Long Term Plan. The Leisure and Wellbeing Strategy is one of the supporting strategies which include details on how Parks and Gardens contribute to the strategic framework.

Council therefore proposes to make the proposed Bylaw to regulate a range of activities undertaken in cemeteries. The proposed Bylaw is generally intended to ensure adequate controls and monitoring are retained to meet public expectations of the Council's maintenance of safe and well managed cemeteries in Lower Hutt.

2.2 MOST APPROPRIATE WAY TO ADDRESS PERCEIVED PROBLEM

Consideration has been given to a range of options for addressing the problems identified above.

Non-regulatory options

A range of activities occurs in cemeteries without causing concern, and most people voluntarily comply with the Council's policies and practices. Education is used to inform members of the public about policies and practices, which encourages voluntary compliance. Examples include signage erected at the entrance to cemeteries advising visitors of the type of behaviour expected of them.

However, there are some instances where voluntary compliance and education cannot be relied on to address the perceived problem. Educative measures may not reach everyone, nor may they provide an effective deterrent to everyone. In these circumstances, the activities have an effect on the general public, property, and the environment which means it is necessary for the Council to have a greater ability to enforce its policies and practices. The proposed Bylaw only applies in circumstances where the Council considers that non-regulatory options will not be effective.

Lower Hutt District Plan

The proposed Bylaw is consistent with, and complimentary to, the provisions of the Lower Hutt District Plan. The proposed Bylaw provides a mechanism that allows the Council to:

- address matters relating to, but not explicitly provided for, in the Lower Hutt District Plan; and
- adopt an alternative and more practicable enforcement option than provided for under the Resource Management Act 1991 (RMA).

Other regulatory options

Council considers that while most of the provisions in the Bylaw have the potential to be covered by common law remedies, such as the tort of public nuisance and the tort of negligence, it is preferable for the Council to retain provisions in the Bylaw for these matters. There are difficulties with seeking a remedy in tort. First, an action for public nuisance can result in compensation for property damage only, and will therefore have a limited deterrent effect when compared with the fines that may be

proposed for breach of a bylaw. Second, it is procedurally more complicated for the Council to bring proceedings in tort than to bring proceedings for breach of a bylaw.

Summary

Although other regulatory and non-regulatory measures may assist in managing the perceived problem, the Council does not consider that these other measures are able to address the perceived problem to the extent necessary. In addition, other measures may not be appropriate in every instance.

Council considers that the proposed Bylaw is the most appropriate way to address the perceived problem. The Council also considers that the proposed Bylaw will contribute to achieving the community outcomes identified in the Council's Long Term Plan.

2.3 MOST APPROPRIATE FORM OF BYLAW

The proposed Bylaw addresses the perceived problem by preventing a number of unwanted consequences from certain activities in cemeteries.

The proposed Bylaw is flexible and allows changing circumstances to be recognised. In some instances, the Council must take into account several matters specified by the Bylaw in the exercise of the Council's discretion. For example, no person may backfill ground in a plot without the written permission of the Council.

The proposed Bylaw clearly states the Council's position by stating whether or not an activity is permitted and which activities constitute an offence of the bylaws. The Bylaw sets out what action needs to be taken to comply with it, for example, whether prior written permission of the Council is required.

The proposed Bylaw reflects a number of the Council's existing policies and practices, and also reflects community goals that have been identified by the Council.

The proposed Bylaw has been prepared in the same style to be consistent with other parts of the Hutt City Council Bylaws.

The proposed Bylaw is therefore the most appropriate form of bylaw. It clearly states the Council's position on each issue, how the Bylaw can be complied with, reflects the Council's existing policies and practices, and addresses the perceived problem.

2.4 IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990 ("NZBORA")

Section 155(2)(b) of the LGA requires the Council to determine whether the Cemeteries Bylaw gives rise to implications under the New Zealand Bill of Rights Act 1990. It is the Council's view that no provision of the proposed Bylaw is inconsistent with the Bill of Rights Act 1990.

3. THE PROPOSED BYLAW

This section outlines the outcome of the review of the existing Bylaw, and provides an explanation of the proposed Bylaw.

The proposed Bylaw is based on the existing 2007 Bylaw that was adopted under the Local Government Act 2002.

3.1 **ADDITIONS, MODIFICATIONS AND DELETIONS MADE IN RESPECT OF EXISTING BYLAW**

There are no additions, modifications or deletions proposed when compared to the 2007 Bylaw. The proposed Bylaw has the same clauses as those contained in the 2007 Bylaw.

Council considers that while most of the provisions in the Bylaw have the potential to be covered by common law remedies, such as the tort of public nuisance and the tort of negligence, it is preferable for the Council to retain provisions in the Bylaw for these matters. There are difficulties with seeking a remedy in tort. First, an action for public nuisance can result in compensation for property damage only, and will therefore have a limited deterrent effect when compared with the fines that may be proposed for breach of a bylaw. Second, it is procedurally more complicated for the Council to bring proceedings in tort than to bring proceedings for breach of a bylaw.

3.2 **EXPLANATION OF THE PROPOSED BYLAW CONTENT**

In general terms, the proposed Bylaw provides a mechanism by which the Council can prevent or manage the perceived problem associated with a range of activities that occur in cemeteries. The following outlines the rationale for the inclusion of each of the clauses in the proposed bylaw.

Proposed clause 1 - Interpretation

This clause is proposed so that the meaning of terms used in the bylaw is clear.

Proposed clause 2 - Interments

The purpose of this clause is to ensure that interments are only done in accordance with certain requirements. An interment cannot proceed without the written permission of the Sexton of the cemetery and conducted in accordance with a Plot Lease Agreement.

Proposed clause 3 – Digging the ground in a cemetery

The purpose of this clause is to clearly state that it is only the Sexton who may dig or otherwise open the ground in a cemetery. Given the nature and purpose of a cemetery it is important to control who has the authority to take this course of action.

Proposed clause 4 – Backfilling plots

The purpose of this clause is to enable a person(s) to backfill ground in a plot, provided they have the written permission of the Council.

Proposed clause 5 – Interruption of interment

The purpose of this clause is to make it clear that it is an offence for a person to obstruct, interfere with, interrupt or detract the process of interment. It is important that the process of interment proceeds without unnecessary delays.

Proposed clause 6 – Disinterments

The purpose of this clause is to ensure that no one causes or allows a disinterment to take place other than in accordance with the requirements as outlined in this clause. A disinterment cannot proceed without the written permission of the Sexton of the cemetery in which the plot is situated.

Proposed clause 7 – Restoration of plot and monument

The purpose of this clause is to ensure that the plot management and the associated general appearance of the cemetery is kept at a satisfactory standard. A person in charge of an interment or disinterment must restore the plot and any headstone to at least the same condition it was in immediately prior to the interment or disinterment.

Proposed clause 8 – Plants

The purpose of this clause is to clearly state that it is only with the Council's written permission that a person can plant a tree, shrub, flower or other plant in a cemetery. Planting a tree for example, can create issues like damage to adjoining plots.

Proposed clause 9 – Damage to cemetery

The purpose of this clause is to clearly state that no person may cause damage to a cemetery. The reason for this is outlined in the second paragraph in clause 3.1 above.

Proposed clause 10 – Rules

The purpose of this clause is to outline specific things Council may make rules on in order to better administer and manage cemeteries.

4. PROCESS FOR THE DEVELOPMENT OF THE PROPOSED BYLAW

The special consultative procedure will end at **5.00pm on Monday 25 September 2017**. Hearings and meetings on the proposed bylaw will be open to the public, and people may speak to their submissions at the relevant committee meeting.

An analysis of all submissions will then be presented to the relevant committee for consideration. The proposed bylaw will then be referred to the Council for consideration and adoption.

PROPOSED HUTT CITY COUNCIL CEMETERIES BYLAW 2017

AUGUST 2017

CONTENTS

1. <u>Interpretation</u>	3
2. <u>Interments</u>	3
3. <u>Digging the ground in a cemetery</u>	3
4. <u>Backfilling plots</u>	3
5. <u>Interruption of interment</u>	4
6. <u>Disinterments</u>	4
7. <u>Restoration of plot and monument</u>	4
8. <u>Plants</u>	4
9. <u>Damage to cemetery</u>	4
10. <u>Rules</u>	4

1. INTERPRETATION

“**Bylaw**” means this Cemeteries Bylaw.

“**Cemetery**” means any land that is under the control of the Council to which the definition of “cemetery” in section 2 of the Burial and Cremation Act 1964 applies.

“**Council**” means the Hutt City Council.

“**Disinterment**” means the removal of a human body or container of the ashes of a human body from a plot.

“**Interment**” means the burial of a human body, or placement of a container of ashes resulting from a cremation, into a plot, and “interred” has a corresponding meaning.

“**Monument**” has the meaning set out in section 2(1) of the Burial and Cremation Act 1964.

“**Plot**” means a parcel of land, or a niche in a memorial wall, in a cemetery.

“**Plot Lease Agreement**” is an agreement entered into between the Council and a person in charge of an interment that provides for an interment on the terms and conditions set out in the agreement.

“**Sexton**” means a person appointed by the Council to manage a cemetery, or a person authorised by a Sexton to carry out one or more of the Sexton’s powers, duties or functions.

2. INTERMENTS

- 2.1 Any person who causes or allows an interment to take place other than in accordance with this clause 2 breaches this Bylaw.
- 2.2 No interment may take place in a plot unless it is conducted in accordance with a Plot Lease Agreement.
- 2.3 Clause 2.1 does not apply to an interment carried out in accordance with an order signed by a Justice under section 49 of the Burial and Cremation Act 1964.

3. DIGGING THE GROUND IN A CEMETERY

- 3.1 No person other than the Sexton may dig or otherwise open the ground or open part of a memorial wall in a cemetery.

4. BACKFILLING PLOTS

- 4.1 A person in charge of an interment may apply to the Sexton for permission for persons to backfill ground in a plot following that interment.
- 4.2 A Sexton may grant written permission for the backfilling of ground in a plot following an interment, and impose any terms and conditions on the permission as he or she considers appropriate.
- 4.3 No person may backfill ground in a plot following an interment without the written permission of the Sexton.
- 4.4 Any person doing an activity under clause 4.3 must comply with any conditions imposed by the Sexton on his or her written permission.

5. INTERRUPTION OF INTERMENT

- 5.1 No person may obstruct, interfere with, interrupt or detract from the decent and solemn process of interment or the carrying out of any funeral service or ceremony.

6. DISINTERMENTS

- 6.1** Any person who causes or allows a disinterment to take place other than in accordance with this clause 6 breaches this Bylaw.
- 6.2** No disinterment may take place unless it occurs in accordance with the terms and conditions set out in the written permission for the disinterment, obtained by the person in charge of the disinterment, from the Sexton of the cemetery in which the plot is situated.
- 6.3** A Sexton may grant written permission for a disinterment to the person who will be in charge of the disinterment, and impose any terms and conditions on the permission as he or she considers appropriate.

7. RESTORATION OF PLOT AND MONUMENT

- 7.1** A person in charge of an interment or disinterment must restore the plot and any monument to at least the same condition it was in immediately prior to the interment or disinterment.

8. PLANTS

- 8.1** No person may plant a tree, shrub, flower or other plant in a cemetery without the Council's written permission.
- 8.2** Any person doing an activity under clause 8.1 must comply with any conditions imposed by the Council on its written permission.

9. DAMAGE TO CEMETERY

- 9.1** No person may damage:
- a. a tree, shrub, flower, or other plant, or any garden or lawn in a cemetery; or
 - b. a plot, monument, grave decoration, or any other thing lawfully placed or erected on a plot.

10. RULES

- 10.1** Council may, from time to time, make rules in relation to the following matters, in order to better administer and manage cemeteries:
- a. Timing of interments;
 - b. Record keeping;
 - c. Restrictions on the decoration of plots and erection of headstones;
 - d. Maintenance standards for plots, including protocols for removal of loose, broken, offensive or dangerous decorations;
 - e. Protocols for contacting family/whanau regarding issues with plots;
 - f. Protocols in relation to whom Council will deal with over the use of a plot, including consent to additional interments in a plot, or in case of disputes.
- 10.2** A breach of any obligation or restriction imposed by rules made under clause 10.1 is deemed a breach of this bylaw.
- 10.3** Rules made under this clause come into effect when notified on Council's website following adoption of the rules by Council resolution. Any amendments to rules made under this clause will come into

effect on the date specified in such amendment, or the date of publication of the amendment on Council's website, whichever is the later.

- 10.4** Council must hold a current version of any rules for inspection by the public at the Council's Administration Building and by reference in any Plot Lease Agreement. A copy of the current version of such rules must also be published on Council's website.

10 October 2017

File: (17/1553)

Report no: PRC2017/5/289

Parks and Reserves Bylaw 2017

Purpose of Report

1. To report back on the one submission Council has received with respect to the proposal to revoke the Parks and Reserves Bylaw 2007 and adopt the Parks and Reserves Bylaw 2017.
2. To recommend to Council the adoption of the Parks and Reserves Bylaw 2017 and revoke the Parks and Reserves Bylaw 2007, subject to consideration of the submission received.

Recommendations

It is recommended that the Committee recommends that Council:

- (i) notes that one submission was received with respect to the proposal to revoke the Parks and Reserves Bylaw 2007 and adopt the Parks and Reserves Bylaw 2017;
- (ii) notes that the Policy and Regulatory Committee has recommended to Council that the proposal as noted in (i) above be approved without amendment;
- (iii) determines that, in accordance with section 155 of the Local Government Act 2002, the proposed bylaw –
 - a. is the most appropriate form of bylaw;
 - b. does not give rise to any implications under the NZ Bill of Rights Act 1990; and
- (iv) agrees to revoke the existing Parks and Reserves Bylaw 2007 and adopt the Parks and Reserves Bylaw 2017, effective from 1 January 2018.

For the reasons set out in the report below.

Background

3. The Council resolved at its meeting on 15 August to undertake the special consultative procedure to seek submissions on the proposal to revoke the

Parks and Reserves Bylaw 2007 and adopt the Parks and Reserves Bylaw 2017.

4. Public notice was given in accordance with the provisions of the Local Government Act 2002 (LGA). Copies of the Summary of Proposal, along with the Statement of Proposal were placed in all Council libraries and at the Council Administration Building. This information was also placed on the Council website. This information is attached as Appendices 2 to 4 to the report.

Discussion

5. One submission was received from the N.Z. Horse Network. This is attached as Appendix 1 to the report. They do not wish to speak to their submission.
6. The NZ Horse Network submission starts by referring to Clause 8 of the proposed Bylaw. It is submitted that requiring other animals to be under control and not create a nuisance is all that is required. The submission then refers to clause 10 in which the bylaw proposes a blanket ban on horse riding unless in specifically permitted areas. The submission concludes with the suggestion that if a clause is required in the Bylaw to address animals that aren't causing any issues then changing clause 8 to permit animals that are under control and not causing a nuisance would have the same effect.
7. Clauses 8 and 10 of the proposed Bylaw is outlined below:

8. ANIMALS IN RESERVES (OTHER THAN DOGS AND HORSES)

- 8.1 *No person may take, ride or drive any animal (other than a dog or a horse) into or in a reserve, or allow any animal (other than a dog or a horse) in the person's custody or charge or under the person's control to be in a reserve, without the prior written permission of the Council.*
- 8.2 *Any person doing an activity under clause 8.1 must comply with any conditions imposed by the Council on its written permission.*

10. HORSES IN RESERVES

- 10.1 *No person may take or ride any horse into or on a reserve, or allow any horse in the person's custody or charge or under the person's control to be in a reserve, unless the horse is:*
 - (a) under the continuous control of the person or otherwise properly secured; and*
 - (b) in a reserve, or part of a reserve, specified by the Council as an area where a person may take or ride a horse; and*
 - (c) at a time specified by the Council as a time when a person may take or ride a horse into or in that reserve, or that part of a reserve.*
- 10.2 *The Council may specify:*
 - (a) a reserve, or any part of a reserve, as an area where a person may take or ride a horse; and*

(b) the time or times when a person may take or ride a horse into or in a reserve, or part of a reserve, specified by the Council as an area where a person may take or ride a horse.

10.3 *No person shall leave in a reserve any waste produced by a horse, unless placed in a rubbish bin provided by the Council.*

9. Bruce Hodgins (Divisional Manager Parks and Gardens) reports as follows.

Clause 8

10. The safety and convenience of the general public within a reserve is of paramount importance – as noted on page 8 of the Statement of Proposal attached as Appendix 3 to the report. Clause 8 enables Council to exercise control, if required, over what animals (other than dogs and horses) can be taken onto Council reserves and ensure they are under control and not causing a nuisance.

Clause 10

11. The current wording which bans horses from our reserve spaces, unless it is specifically provided, is appropriate.

Horses are large animals which can cause damage to turf and pose a threat to other users if not under proper control. Parks staff have no way of managing the risk that owners will have their horses under control at all times, or of policing this.

The vast majority of our reserves such as sports grounds, neighbourhood parks, facility reserves and cemeteries are inappropriate spaces for horses to exercise.

Having designated reserve areas for horses is an appropriate and proportionate way to manage this issue. Officers have not had any concerns regarding this matter raised by local riders.

While not a bylaw matter we could look at improving the clarity of our information as to where and when horses are permitted and under what conditions.

12. Given the advice outlined in paragraphs 10 and 11 above, it is recommended that no changes be made to the proposed Parks and Reserves Bylaw 2017.

Options

13. The option in light of the submission received is to accept or reject the recommendation that no changes be made to the proposed Bylaw.
14. Then either accept or reject the proposal to revoke the Parks and Reserves Bylaw 2007 and adopt the Parks and Reserves Bylaw 2017.

Consultation

15. This report is the consequence of the special consultative process required to revoke the Parks and Reserves Bylaw 2007 and adopt the Parks and Reserves Bylaw 2017.
16. All major sporting codes were advised of the review as part of the special consultative procedure.
17. Once the Parks and Reserves Bylaw 2007 has been revoked and the new Parks and Reserves Bylaw 2017 adopted, Council must give public notice of its decision, including the date upon which the decision will become effective.

Legal Considerations

18. This report is the consequence of the special consultation process required to revoke the Parks and Reserves Bylaw 2007 and adopt the Parks and Reserves Bylaw 2017.

Financial Considerations

19. There are no financial considerations.

Other Considerations

20. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of the local government in that it meets the current/future needs of the community.

Appendices

No.	Title	Page
1	Submission from Vivien Dostine, N.Z. Horse Network, concerning Proposed Parks and Reserves Bylaw 2017.	128
2	Summary of Proposal – Parks and Reserves Bylaw 2017	130
3	Statement of Proposal - Parks and Reserves Bylaw 2017	132
4	Proposed Parks and Reserves Bylaw August 2017.	141

Author: Graham Sewell
Principal Policy Advisor

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Divisional Manager, Parks and Gardens

Reviewed By: Bradley Cato
Solicitor

Reviewed By: Wendy Moore
Divisional Manager, Strategy and Planning

Approved By: Kim Kelly
General Manager, City Transformation

From: webservices@huttcity.govt.nz
To: [Corporate Records](#)
Subject: Submission to a Public Consultation
Date: Saturday, September 16, 2017 8:15:18 PM

Name	Vivien Dostine
Company	NZ Horse Network
Contact Name	
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Suburb City	Auckland
Postcode	0614
Daytime Number	027 4419 022
Evening Number	
Mobile Number	
Email	viv@nzhorseriders.info
Consultation Topic	Parks and Reserves Bylaw
My Submission	<p>The restrictions in the proposed bylaw Section 8 (the blanket ban on all animals, excluding dogs, and horses) do not meet the Local Government Act requirements for making bylaws. It effectively bans without having taken any more reasonable measures to address perceived issues. Given that it is extremely unlikely that there is a problem (perceived or otherwise) with people wanting to take their cats, pet goats or other animals into Hutt CC parks and reserves, banning animals is therefore not a response proportional to the issue. Both reasonableness and proportionality are key requirements for creation of bylaws. Requiring other animals to be under control, and not create a nuisance is all that is required, and reasonable. The bylaw is proposing a blanket ban on horse riding in all parks and reserves (Section 10), unless those places specifically permit horse riding is problematic unless the City Council makes it a priority to make clear where horse riders are permitted and where they are not, AND to ensure that horse riding is recognised as a valid recreational activity for the residents and ratepayers of Hutt City. Currently the Hutt City website makes little mention of horse riding, and even provides information that is clearly not correct. e.g. the Hutt River Trail map (and even the full website) provides no information for horse riders, even though this is an area where horse riding is permitted. In the face of such wilful misinformation, it is entirely reasonable for horse riders to look upon all information provided by the HCC as suspect, or able</p>

	to be ignored.
Decision Required	Change section 8 to 'permitted under control, provided that they do not cause a nuisance..' - IF a section on animals that aren't currently causing any issues is even needed. Recognise that equestrians are ratepayers and part of the community, and provide correct and up to date information on where horse riding is permitted (don't just rely on GWC parks)
Wish To Be Heard	No

SUMMARY OF PROPOSAL - PARKS AND RESERVES BYLAW 2017

Council proposes to make a Hutt City Council *Parks and Reserves Bylaw 2017* (“the 2017 Bylaw”) to replace the current 2007 Parks and Reserves Bylaw.

THE CURRENT 2007 PARKS AND RESERVES BYLAW

The 2007 Bylaw deals with specific activities and behaviour in parks and reserves which:

- a) may give rise to a public nuisance;
- b) may threaten public health and safety;
- c) has the potential to give rise to offensive behaviour in parks and reserves;
- d) may result in damage, misuse or loss of property associated with reserves which Council owns or operates.

The activities include, among other things:

- damaging Council property;
- obstructing public spaces in parks and reserves;
- use of parks and reserves.

The current Hutt City Council Parks and Reserves Bylaw 2007 can be viewed by visiting the Council website: www.huttcity.govt.nz

THE PROPOSED 2017 PARKS AND RESERVES BYLAW

The 2017 Bylaw will ensure adequate controls and monitoring are retained to meet public expectations around maintaining safe and enjoyable parks and reserves within Lower Hutt.

In preparing the proposed 2017 Bylaw, Council's legal advisers have concluded that many of the provisions of the 2007 Bylaws remain the most appropriate way of addressing the range of activities and behaviours as summarised above. A number of the bylaws have some crossover with provisions within the Local Government Act 2002. Amendments have been proposed to ensure consistency with other pieces of legislation. A few parks and reserves bylaws are not necessary now as they are covered by other legislation or controlled in other ways e.g. terms and conditions in Council consents.

CONCLUSION

The proposed 2017 Parks and Reserves Bylaw seeks to regulate a wide range of activities undertaken in parks and reserves within Hutt City. To maintain standards for public health and safety, protect the public from nuisance, minimise the potential for offensive behaviour in parks and reserves and to manage property associated with parks and reserves owned or operated by Council for the wellbeing and enjoyment of the public in parks and reserves. The proposed bylaw will replace the existing Hutt City Council Parks and Reserves Bylaw 2007.

Council is seeking submissions on this proposal. The full statement of proposal to create the 2017 Bylaw as noted above along with a submission form are available on the Council website www.huttcity.govt.nz or at the Hutt City Council Administration Building, 30 Laings Road, Lower Hutt, and all Hutt City Council libraries

Submissions open on 22 August 2017 and close at 5.00pm on Monday 25 September 2017.

**STATEMENT OF PROPOSAL TO
MAKE THE HUTT CITY COUNCIL
BYLAW 2017 PARKS AND
RESERVES**

AND REVOKE THE HUTT CITY COUNCIL
BYLAW 2007 PARKS AND RESERVES

AUGUST 2017

CONTENTS

1. Introduction.....	3
2. Background.....	3
2.1 The perceived problem	3
2.2 Most appropriate way to address perceived problem.....	4
2.3 Most appropriate form of bylaw	5
2.4 Implications under the New Zealand Bill of Rights Act 1990 ("NZBORA")	6
3. The Proposed Bylaw	7
3.1 Additions, modifications and deletions made in respect of existing bylaw.....	7
3.2 Explanation of the proposed Bylaw content	7
4. Process for the Development of the Proposed Bylaw	10

1.

1. INTRODUCTION

Hutt City Council proposes to replace the existing Hutt City Council Bylaw 2007: Parks and Reserves ("the 2007 Bylaw") with a new bylaw relating to parks and reserves ("the proposed Bylaw").

This Statement of Proposal has been prepared in accordance with section 83 of the Local Government Act 2002 ("LGA"). It includes information about the review process and whether it is appropriate for the Council to have a bylaw relating to parks and reserves.

2. BACKGROUND

The Council is required to review its Bylaw relating to parks and reserves before 3 July 2017, under section 159 of the LGA. If the review is not undertaken within 2 years of this date the bylaw lapses. Under sections 159 and 155, the review of a bylaw must take the form of a reconsideration of the matters that the Council is normally required to consider before making a bylaw.

The Council must therefore determine whether a bylaw is the most appropriate way of addressing the perceived problem. If so, the Council must determine whether the proposed Bylaw is the most appropriate form of bylaw, and whether the proposed Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 ("NZBORA"). No bylaw can be inconsistent with the NZBORA. In reviewing a bylaw, the Council must use the special consultative procedure set out in section 156.

Under section 145, the Council may make bylaws for its district with the purposes of:

- a. protecting the public from nuisance;
- b. protecting, promoting, and maintaining public health and safety;
- c. minimising the potential for offensive behaviour in public places.

The Council can also make bylaws for specific purposes as listed in section 146 of the LGA, for example, for the purpose of managing, regulating, or for preventing the use of land, structures, or infrastructure associated with reserves, recreation grounds, or other land under the control of the Council (section 146(b)(vi)).

The 2007 Bylaw can be viewed by visiting Council's website: www.huttcity.govt.nz

2.1 THE PERCEIVED PROBLEM

A wide range of activities occurs in parks and reserves without causing any problems. Occasionally, however, some activities create problems which are required to be addressed by the Council. These activities may cause:

- health or safety hazards - for example, materials left in a park or reserve could cause danger to passers-by;
- damage to property or the environment - for example, wilful damage to plants and buildings located within a park or reserve;
- unreasonable obstruction to others using a park or reserve - for example, people who lay out goods for sale within a park or reserve without permission;
- unreasonable barriers to others using a park or reserve - for example, someone staying in a caravan in a park or reserve for a long period of time; or
- disruptive or offensive behaviour - for example, undertaking a course of action that other users of a park or reserve would find disruptive or offensive.

The perceived problem means that a bylaw about parks and reserves is consistent with the provisions in the LGA relating to the Council's bylaw-making powers. The Council considers that it is still necessary to have a bylaw relating to parks and reserves for the purposes of:

- protecting the public from nuisance (section 145(a));
- protecting, promoting and maintaining public health and safety (section 145(b));
- minimising the potential for offensive behaviour in public places (section 145(c));
- regulating trading in public places (section 146(a)(vi));
- managing, regulating against or protecting from, damage, misuse, or loss, or preventing the use of the land, structures, or infrastructure associated with reserves, recreation grounds, or other land under the control of the territorial authority (section 146(b)(vi)).

Hutt City Council has a commitment to achieving city wide outcomes identified by the community. Community Outcomes are set out on page 7 of the Hutt City Council's *Long Term Plan 2015 – 2025*. The Parks and Reserves activity contributes to our community outcomes of healthy people, a healthy environment, actively engaged in community activities and a healthy and attractive built environment.

It should also be noted that since 2012, Council has also published a series of major strategic documents. Council's vision for Lower Hutt is 'An Integrated Vision for Hutt City – making our city a great place to live work and play.' This vision and four supporting strategies now provide the basis for the city's Long Term Plan. The Leisure and Wellbeing Strategy is one of the supporting strategies which include details on how Parks and Gardens contribute to the strategic framework.

In order to help achieve the Council vision for Lower Hutt, Council considers it necessary to have in place measures to regulate behaviour or activities that can cause a nuisance to the public, or raise concerns about safety in parks and reserves.

The Council therefore proposes to make the proposed Bylaw to regulate a range of activities undertaken in parks and reserves. The proposed Bylaw is generally intended to ensure adequate controls and monitoring is retained to meet public expectations of the Council's maintenance of safe and enjoyable parks and reserves in Lower Hutt.

2.2 MOST APPROPRIATE WAY TO ADDRESS PERCEIVED PROBLEM

Consideration has been given to a range of options for addressing the problems identified above.

Non-regulatory options

A wide range of activities occur in parks and reserves without causing concern, and most people voluntarily comply with the Council's policies and practices. Education is used to inform members of the public about policies and practices, which encourages voluntary compliance.

However, there are some instances where voluntary compliance and education cannot be relied on to address the perceived problem. Educative measures may not reach everyone, nor may they provide an effective deterrent to everyone. In these circumstances, the activities have an effect on the general public, property, and the environment which means it is necessary for the Council to have a greater ability to enforce its policies and practices. The proposed Bylaw only applies in circumstances where the Council considers that non-regulatory options will not be effective.

Lower Hutt District Plan

The proposed Bylaw is consistent with, and complimentary to, the provisions of the Lower Hutt District Plan. The proposed Bylaw provides a mechanism that allows the Council to:

- address matters relating to, but not explicitly provided for, in the Lower Hutt District Plan; and
- adopt an alternative and more practicable enforcement option than provided for under the Resource Management Act 1991 (RMA).

Other regulatory options

In reviewing the 2007 Bylaw, the Council concluded that many of the provisions of that Bylaw address matters that are either already covered by, or are related to matters covered by, existing legislation:

- a number of the provisions in the 2007 Bylaw have some crossover with offence provisions in the LGA. However, as these offences do not cover all of the matters and situations dealt with in the Bylaw, the Council considers that it would be appropriate to retain the Bylaw in order to address the perceived problem. Some amendments have been proposed to refine the scope of the Bylaw in light of the offence provisions;
- a number of the provisions in the 2007 Bylaw are not necessary because they are covered by other legislation, for example, the LGA. In addition, some are not necessary because they can be dealt with by including them as terms or conditions in Council consents or permissions, or in contracts entered into by the Council. These provisions are proposed to be deleted.

The Council considers that while most of the provisions in the Bylaw have the potential to be covered by common law remedies, such as the tort of public nuisance and the tort of negligence, it is preferable for the Council to retain provisions in the Bylaw for these matters. There are difficulties with seeking a remedy in tort. First, an action for public nuisance can result in compensation for property damage only, and will therefore have a limited deterrent effect when compared with the fines that may be proposed for breach of a bylaw. Second, it is procedurally more complicated for the Council to bring proceedings in tort than to bring proceedings for breach of a bylaw.

Summary

Although other regulatory and non-regulatory measures may assist in managing the perceived problem, the Council does not consider that these other measures are able to address the perceived problem to the extent necessary. In addition, other measures may not be appropriate in every instance.

The Council considers that the proposed Bylaw is the most appropriate way to address the perceived problem. The Council also considers that the proposed Bylaw will contribute to achieving the community outcomes identified in the Council's Long Term Council Community Plan.

2.3 MOST APPROPRIATE FORM OF BYLAW

The proposed Bylaw addresses the perceived problem by preventing a number of unwanted consequences from certain activities in parks and reserves.

The proposed Bylaw is flexible and allows changing circumstances to be recognised. In some instances, the Council must take into account several matters specified by the Bylaw in the exercise of the Council's discretion, for example, in respect of conditions on permissions granted for certain activities.

The proposed Bylaw clearly states the Council's position by stating whether or not an activity is permitted and which activities constitute an offence of the bylaw. The Bylaw sets out what action needs to be taken to comply with it, for example, whether prior written permission of the Council is

required. It also sets out some considerations that will be taken into account in granting permissions, but these are not stated definitively as they will need to be adapted for each particular case.

The proposed Bylaw reflects a number of the Council's existing policies and practices, and also reflects community goals that have been identified by the Council.

The proposed Bylaw has been prepared so the style is consistent with other parts of the Hutt City Council Bylaws.

The proposed Bylaw is therefore the most appropriate form of bylaw. It clearly states the Council's position on each issue, how the Bylaw can be complied with, reflects the Council's existing policies and practices, and addresses the perceived problem.

2.4 IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990 ("NZBORA")

Section 155(2)(b) of the Local Government Act 2002 requires the Council to determine whether the proposed Bylaw gives rise to implications under the New Zealand Bill of Rights Act 1990.

Two of the provisions have the potential to conflict with some of the rights and freedoms contained in the Bill of Rights. These are:

- proposed clause 6 – Interference with Reserves; and
- proposed clause 13 – Obstructing another person's enjoyment of a reserve.

Interference with Reserves

Proposed clause 6.1(f) provides that no person may erect, construct, make or place any sign, notice, label, inscription, billboard or placard in a reserve without prior written permission of Council.

This clause has the potential to infringe on the right to freedom of expression contained in section 14 of the Bill of Rights Act. Although the Bylaw makes some imposition on individual's rights, there are good reasons to justify the Bylaw to require persons to gain prior permission. It enables Council to manage the specific requirements of the District Plan in respect of signage on reserves. Council itself is required to comply with the District Plan when considering the type and quantity of signage it places on reserves. It should also be noted that Reserve land has this special designation as it has been set aside for a specific purpose and not to be subject to excessive signage. Note, this provision does not stop signage being carried through a reserve.

The Council's view is that in accordance with section 5 of the Bill of Rights, proposed clause 6.1(f) represents a reasonable limit on the rights to freedom of expression that can be demonstrably justified in a free and democratic society.

Obstructing another person's enjoyment of a reserve

The proposed clause 13 provides that no person shall intentionally obstruct, disturb or interfere with a person's enjoyment of a reserve including the use of foul, abusive, indecent, or obscene language toward another person in a threatening manner as outlined in clause 13.1(a). This has the effect of potentially prescribing the language people use in a park or reserve, however the language must be *intentional* and be *directed* toward another person in a *threatening* manner.

This clause has the potential to infringe on the right to freedom of expression contained in section 14 of the Bill of Rights Act. However there are good reasons to justify the Bylaw as there has been an increase in the use of foul, abusive, indecent and obscene language. The Council recognises that this type of language has become part of the repertoire in some sections of the population and on this basis Council has sought to limit it only where it is intentionally directed at another in a threatening

manner. On this basis it is Council's view that the proposed clause 13 also represents a reasonable limitation on the rights contained in the Bill of Rights.

Summary

It is the Council's view that no provision of the bylaw proposed is inconsistent with the New Zealand Bill of Rights Act 1990.

3. THE PROPOSED BYLAW

This section outlines the outcome of the review of the existing Bylaw, and provides an explanation of the proposed Bylaw.

The proposed Bylaw is based on the existing 2007 Bylaw that was adopted under the Local Government Act 1974.

3.1 ADDITIONS, MODIFICATIONS AND DELETIONS MADE IN RESPECT OF EXISTING BYLAW

The 2007 Bylaw was used to create the proposed Bylaw. Most of the content of the 2007 Bylaw has been found adequate to address the aspects of the perceived problem that the Council wishes to address.

3.2 EXPLANATION OF THE PROPOSED BYLAW CONTENT

In general terms, the proposed Bylaw provides a mechanism by which Council can prevent or manage the perceived problem associated with a range of activities that occur in parks and reserves. The following outlines the rationale for the inclusion of each of the clauses in the proposed bylaw.

Proposed clause 1 - Interpretation

This clause is proposed so that the meaning of terms used in the bylaw is clear.

Proposed clause 2 – Hours of opening

The purpose of this clause is to clarify and thus ensure that all reserves are open to the public daily and free of charge.

Proposed clause 3 – Closing of reserves

The purpose of this clause is to establish how Council may close a reserve. Clauses 3.1 and 3.2 are retained from the 2007 Bylaw. The decision to close a reserve under clause 3.1 is taken by full Council resolution, while the decision under clause 3.2 is simply by determination of the Council (i.e. subject to delegation to a Council officer) when it is necessary to close all or part of a reserve for maintenance, construction or other work.

Proposed clause 4 – Leasing or licensing premises in reserves

The purpose of this clause is to enable the Council to lease or license premises in reserves. This is to enable recreational groups or similar to erect dwellings and/or undertake recreational uses compatible with the nature of reserve land.

Proposed clause 5 – No entry into restricted areas or places in reserves

This is a clause that prohibits people from entering into enclosures or places set aside by the Council for the cultivation of plants in a reserve.

It should be noted that a sign at the entrance of a glass house or fernery specifying rules to be observed while visiting the site would enable council officers to ask any person breaching these rules to leave under the Trespass Act 1980.

Proposed clause 6 – Interference with reserves

This is a clause that specifies a wide range of activities that are not permitted on or in a reserve e.g. no person may remove, destroy, damage, deface, obstruct, disturb, or otherwise interfere with anything, in a reserve.

Refer to clause 2.4 on page 4 above for a discussion of the NZBORA implications associated with this clause.

Proposed clause 7 – Vehicles in reserves

The purpose of this clause is to prevent people driving motor vehicles on reserves. Such activities can cause damage to reserves (e.g. from burn outs or wheelies) and potentially create safety issues for other users of reserves.

Proposed clause 8 – Animals in reserves (other than dogs and horses)

The purpose of this clause is to provide Council with the power to regulate what animals (apart from horses and dogs) are taken onto a reserve. The safety and convenience of the general public within a reserve is of paramount importance.

Proposed clause 9 – Dogs on reserves

The purpose of this clause is to establish the conditions whereby a person can take a dog into a reserve i.e. in accordance with the Council's Dog Control Bylaw.

Proposed clause 10 – Horses in reserves

The purpose of this clause is to establish the conditions whereby a person can take or ride a horse into a reserve. The safety and convenience of the general public within a reserve is of paramount importance.

Proposed clause 11 – Camping in a reserve

The purpose of this clause is to make it an offence to camp or stay in a reserve, unless it is in huts erected or at sites set aside for that purpose by the Council. Reserves are established for the benefit of all the community to use, not for people to stay and use for their own purposes.

Proposed clause 12 – Fires in reserves

The purpose of this clause is to make it an offence to light a fire (including fireworks) in a reserve, other than a gas barbecue, without the prior written permission of the Council. A fire that gets out of control due to a lack of proper management could cause major damage to a reserve and create health and safety issues.

Proposed clause 13 – Obstructing another person's enjoyment of a reserve

The purpose of this clause is to make it an offence for a person to intentionally obstruct, disturb or interfere with another person's enjoyment of a reserve. Reserves are established to be used by all the community. The Council therefore considers any actions that obstruct the community's use and enjoyment of reserves should be deemed a breach of the bylaw.

Refer to clause 2.4 above for a discussion of the NZBORA implications associated with this clause.

Proposed clause 14 – Safety in reserves

The purpose of this clause is to make it an offence for a person to act in any way in a reserve that the person knows will endanger the safety of themselves or others.

Proposed clause 15 – Buying, selling or advertising in reserves

The purpose of this clause is to ensure no person will buy, sell or advertise any goods or services, or carry on a trade, in a reserve, without the prior written consent of the Council. Reserves have been established for the enjoyment and recreational needs of the community, not generally for the purposes of buying, selling or advertising goods or services.

Proposed clause 16 – Dangerous weapons in reserves

The purpose of this clause is to establish that no person can legally carry or use a dangerous weapon, other than a firearm, in a reserve without the prior written permission of the Council. There are occasions when firearms could be used in reserves e.g. for pest control, but such actions will only be undertaken in a manner to ensure the safety of the general public is not compromised.

Proposed clause 17 – Organised sports and games in reserves

The purpose of this clause is to enable the Council to set aside any reserve or part of a reserve for the purposes of playing any organised sport or game. This will ensure the best use of Hutt City reserves to cater for the wide range of recreational needs of the community. The closure power provided in clause 3 of the proposed bylaw allows the Council to close reserves or parts of reserves, including sports grounds.

Proposed clause 18 – Organised events in reserves

The purpose of this clause is to ensure no organised event held in a reserve is permitted without the prior written permission of the Council. This will ensure the Council can coordinate all activities within reserves for the benefit of all. This will also ensure the maximum use of reserves and in a way that won't result in two events being doubled booked to use the same sports ground or section of a reserve.

Proposed clause 19 – Offences

The purpose of this clause is to empower the custodian to request a person to leave the reserve, if that person is committing a breach of this bylaw.

Section 239 of the LGA already provides that it is an offence to breach a bylaw and what the penalties a person committing an offence may be liable for. In many cases, however, it may be more appropriate to simply ask the person breaching this bylaw to leave the reserve. As such, this clause has been retained. The Council will have the ability to ask someone to leave a reserve if they breach this bylaw, and will also have recourse to the LGA.

Proposed clause 20 – Exemptions

The purpose of this clause is to establish under what circumstances this bylaw does not apply e.g. when a member of the emergency services acts in the course of their duties.

The defence provided for under section 240 of the LGA is likely to provide members of the emergency services with defences to offences under this bylaw. Nonetheless, there is value in exempting members of the emergency services from this bylaw all together, since, to be eligible for the defence under section 240, the defendant must have adequately remedied or mitigated the effects of their acts or omissions giving rise to the offence. It is inappropriate to require emergency services personnel to remedy or mitigate the effects of their actions. In effect, then, the defence in section 240 is for members of the public only and not emergency services personnel.

4. PROCESS FOR THE DEVELOPMENT OF THE PROPOSED BYLAW

The special consultative procedure will end 5.00pm on **Monday 25 September 2017**. Hearings and meetings on the proposed bylaw will be open to the public, and people may speak to their submissions at the relevant committee meeting.

An analysis of all submissions will then be presented to the relevant council committee for consideration. The proposed bylaw will then be referred to the Council for consideration and adoption.

PROPOSED HUTT CITY COUNCIL PARKS AND RESERVES BYLAW 2017

AUGUST 2017

CONTENTS

1.	Interpretation	3
2.	Hours of opening	4
3.	Closing of reserves	4
4.	Leased or licensed premises in reserves	4
5.	No entry into restricted areas or places in reserves	4
6.	Interference with reserves	5
7.	Vehicles in reserves	5
8.	Animals in reserves (other than dogs and horses)	6
9.	Dogs in reserves	6
10.	Horses in reserves	6
11.	Camping in a reserve	6
12.	Fires in reserves	7
13.	Obstructing another person's enjoyment of a reserve	7
14.	Safety in reserves	7
15.	Buying, selling or advertising in reserves	7
16.	Dangerous weapons in reserves	7
17.	Organised sports and games in reserves	8
18.	Organised events in reserves	8
19.	Offences	9
20.	Exemptions	9

1. INTERPRETATION

“Animal” has the same meaning as in section 2 of the Reserves Act 1977.

“Bylaw” means this Parks and Reserves Bylaw.

“Council” means the Hutt City Council.

“Custodian” means a person for the time being lawfully appointed by the Council to control or supervise a reserve or any part of a reserve.

“Emergency services” has the same meaning as in section 2 of the Civil Defence Emergency Management Act 2002.

“Dangerous weapon” includes any firearm, bow and arrow, catapult or shanghai.

“Firearm” has the same meaning as in section 2 of the Arms Act 1983.

“Reserve” means any open space, plantation, park, garden or grounds set apart for public recreation or enjoyment that is under the management or control of the Council and includes all land administered by the Council under the Reserves Act 1977, but does not include any land administered by the Greater Wellington Regional Council.

“Structure” includes any building, fence, gate, seat, playground equipment, memorial, artwork, fountain, wharf, jetty, platform, goal posts, rubbish bins and rafts.

“Vehicle” means:

- (a) a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, land yacht, boat, surf ski, skateboard, in-line skates, roller skates, and the shell or hulk of a vehicle; but
- (c) does not include—
 - (i) a perambulator or pushchair:
 - (ii) a shopping or sporting trundler not propelled by mechanical power:
 - (iii) a wheelbarrow or hand-trolley:
 - (v) a pedestrian-controlled lawnmower:
 - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power:
 - (vii) an article of furniture:
 - (viii) a wheel-chair not propelled by mechanical power.

PART 1 – ACCESS TO RESERVES

2. HOURS OF OPENING

- 2.1** Subject to the provisions of this Bylaw and the Reserves Act 1977, all reserves will be open to the public daily and free of charge.

3. CLOSING OF RESERVES

- 3.1** The Council may determine the times during which a reserve, or any part of a reserve, will be closed to the public.
- 3.2** No person, other than a Custodian, may enter or remain in a reserve, or any part of a reserve, while it is closed to the public.

4. LEASED OR LICENSED PREMISES IN RESERVES

- 4.1** The Council may lease premises in a reserve to any organisation or member of the public, or license any organisation or member of the public to use premises in a reserve, upon any conditions the Council considers appropriate.
- 4.2** No person may enter or use any premises in a reserve that are subject to a lease or a licence other than the Custodian or any other person in accordance with a lease or licence.

5. NO ENTRY INTO RESTRICTED AREAS OR PLACES IN RESERVES

- 5.1** The Council may specify any area or place in a reserve to be a restricted area or place.
- 5.2** No person, other than a Custodian, may enter a restricted area or place without the prior written permission of the Council.
- 5.3** Any person doing an activity under clause 5.2 must comply with any conditions imposed by the Council on its written permission.

PART 2 – PROHIBITED AND RESTRICTED ACTIVITIES IN RESERVES

6. INTERFERENCE WITH RESERVES

6.1 No person may:

- (a) remove, destroy, damage, deface, obstruct, disturb, or otherwise interfere with any thing, or any part of any thing, in or enclosing a reserve, including any:
 - (i) structure;
 - (ii) sign, notice, label, inscription, billboard, or placard;
 - (iii) path, track, lawn, step, gravel, sand, soil, or border;
 - (iv) tree, shrub, or plant of any kind, including hedges, flowers, or flowerbeds;
 - (v) area prepared for any sport or game;
- (b) remove, destroy, injure, disturb, shoot, snare, trap, or otherwise interfere with any animal in a reserve, unless using a firearm in accordance with a permission granted under clause 16.2 of this Bylaw;
- (c) plant any tree, shrub, or plant of any kind, or sow or scatter the seed of any tree, shrub, or plant of any kind, in a reserve;
- (d) pollute or render unfit for any purpose any water in a reserve;
- (e) swim, wade or wash in any ornamental water in a reserve;
- (f) erect, construct, make, or place in a reserve, without the prior written permission of the Council, any structure, walking track, cycling track or other cycling facility, dam, tree-fort, sign, notice, label, inscription, billboard, or placard.
- (g) Scatter ashes of a deceased person in any reserve.

6.2 Any person to whom the Council grants permission under clause 6.1(f) must comply with any conditions imposed by the Council on its written permission.

7. VEHICLES IN RESERVES

7.1 No person may:

- (a) drive, ride or otherwise bring any vehicle into a reserve, except on any part of the reserve set aside by the Council for vehicular traffic; or
- (b) park any vehicle in or adjacent to a reserve except in a place set aside by the Council for the parking of vehicles, and unless the person in control of the vehicle intends to remain in the reserve while the vehicle is parked; or
- (c) abandon or dump any vehicle in a reserve.

8. ANIMALS IN RESERVES (OTHER THAN DOGS AND HORSES)

8.1 No person may take, ride or drive any animal (other than a dog or a horse) into or in a reserve, or allow any animal (other than a dog or a horse) in the person's custody or charge or under the person's control to be in a reserve, without the prior written permission of the Council.

- 8.2** Any person doing an activity under clause 8.1 must comply with any conditions imposed by the Council on its written permission.

9. DOGS IN RESERVES

- 9.1** No person may take any dog into a reserve, or allow any dog in the person's custody or charge or under the person's control to be in a reserve, unless in accordance with the Council's Dog Control Bylaw.

10. HORSES IN RESERVES

- 10.1** No person may take or ride any horse into or on a reserve, or allow any horse in the person's custody or charge or under the person's control to be in a reserve, unless the horse is:

- (a) under the continuous control of the person or otherwise properly secured; and
- (b) in a reserve, or part of a reserve, specified by the Council as an area where a person may take or ride a horse; and
- (c) at a time specified by the Council as a time when a person may take or ride a horse into or in that reserve, or that part of a reserve.

- 10.2** The Council may specify:

- (a) a reserve, or any part of a reserve, as an area where a person may take or ride a horse; and
- (b) the time or times when a person may take or ride a horse into or in a reserve, or part of a reserve, specified by the Council as an area where a person may take or ride a horse.

- 10.3** No person shall leave in a reserve any waste produced by a horse, unless placed in a rubbish bin provided by the Council.

11. CAMPING IN A RESERVE

- 11.1** No person may camp or stay in a reserve overnight other than in huts, or on sites, set aside by the Council for the purpose of camping or staying in a reserve overnight.

- 11.2** The Council may set aside huts and sites in reserves for the purpose of camping or staying in a reserve overnight.

12. FIRES IN RESERVES

- 12.1** No person may light any fire (including fireworks) in a reserve, other than a gas barbecue, without prior written permission from the Council.

- 12.2** Any person doing an activity under clause 12.1 must comply with any conditions imposed by the Council on its written permission.

13. OBSTRUCTING ANOTHER PERSON'S ENJOYMENT OF A RESERVE

- 13.1** No person shall intentionally obstruct, disturb or interfere with another person's enjoyment of the reserve, including by:

- (a) directing foul, abusive, indecent, or obscene language toward another person in a threatening manner; or
- (b) being intoxicated, noisy or riotous.

14. SAFETY IN RESERVES

- 14.1** No person may act in any way in a reserve that the person knows, or reasonably ought to have known, will endanger the safety of him or herself or any other person.

15. BUYING, SELLING OR ADVERTISING IN RESERVES

- 15.1** No person may buy, sell or advertise any goods or services, or carry on a trade, in a reserve, without the prior written permission of the Council.
- 15.2** Any person doing an activity under clause 15.1 must comply with any conditions imposed by the Council on its written permission.

16. DANGEROUS WEAPONS IN RESERVES

- 16.1** No person may carry or use any dangerous weapon, other than a firearm, in a reserve.
- 16.2** No person may carry or use any firearm in a reserve without the prior written permission of the Council.
- 16.3** Any person doing an activity under clause 16.2 must comply with any conditions imposed by the Council on its written permission.

PART 3 – ORGANISED EVENTS IN RESERVES

17. ORGANISED SPORTS AND GAMES IN RESERVES

- 17.1** No person may play any organised sport or game in any reserve, or any part of a reserve, that is not set aside for that purpose.
- 17.2** The Council may set aside any reserve, or any part of a reserve, for the purpose of playing any organised sport or game.
- 17.3** For the purposes of this clause 17, “organised sport or game” includes playing or practising golf, whether by one person or by one or more persons in a group.

18. ORGANISED EVENTS IN RESERVES

- 18.1** No person may attend or take part in any organised event held in a reserve, or in any part of a reserve, whether a one-off event or a repeatedly scheduled event, unless the event is being held with the prior written permission of the Council.
- 18.2** A person may apply to the Council for permission to hold an organised event in a reserve, or in any part of a reserve, using a Council approved form.
- 18.3** The Council may grant permission to hold an organised event on such conditions as the Council considers appropriate, and in doing so, may specify whether the person:
- (a) may charge an entry fee for the event;
 - (b) has the exclusive use of a reserve, or any part of a reserve, for the duration of the event.
- 18.4** Any person to whom the Council grants permission to hold an organised event, and any person who attends or takes part in an organised event, must comply with any conditions imposed by the Council on its written permission.
- 18.5** A Custodian may require any person to leave a reserve, or any part of a reserve:
- (a) if the person is attending or taking part in the organised event without paying the required entry fee; or
 - (b) if the person is not attending or taking part in the organised event, but is in part of a reserve that has been set aside for exclusive use for an organised event -
where the Council specified as part of its permission to hold an organised event that an entry fee could be charged, or that the reserve, or any part of the reserve, could be used exclusively for the organised event.
- 18.6** For the purposes of this clause 18, “organised event” includes an organised sport or game under clause 17.

PART 4 – OTHER MATTERS

19. OFFENCES

19.1 Every person committing any breach of the provisions of this Bylaw must, upon request by a Custodian, immediately leave the reserve.

20. EXEMPTIONS

20.1 This Bylaw does not apply to any person who commits an act that was done:

- (a) in accordance with a valid contract for services with the Council; or
- (b) by a member of the emergency services in the course of carrying out his or her duties as a member of the emergency services; or
- (c) with the written consent of the Council; or
- (d) in accordance with, or pursuant to, any enactment.

11 October 2017

File: (17/1563)

Report no: PRC2017/5/290

Traffic Bylaw 2017

Purpose of Report

1. To recommend the adoption of the Hutt City Council Traffic Bylaw 2017 and to revoke the Traffic Bylaw 2007.

Recommendations

It is recommended that the Committee recommends that Council:

- (i) notes that no submissions were received with respect to the proposal to revoke the Traffic Bylaw 2007 and adopt the Traffic Bylaw 2017;
- (ii) notes that the Policy and Regulatory Committee has recommended that due to a change to the Road User Rule, there is now no need to include Clause 18 concerning window washers in the proposed bylaw;
- (iii) notes that the Policy and Regulatory Committee has recommended to Council that the proposal as noted in (i) above and the deletion of Clause 18 as noted in (ii) above be approved;
- (iv) determines that, in accordance with section 155 of the Local Government Act 2002, the proposed bylaw –
 - a. Is the most appropriate form of bylaw;
 - b. Does not give rise to any implications under the NZ Bill of Rights Act 1990; and
- (v) agrees to revoke the existing Traffic Bylaw 2007 and adopt the Traffic Bylaw 2017, as outlined in (iii) above, effective from 1 January 2018, in accordance with section 156 of the Local Government Act 2002.

For the reason: To complete the special consultative procedure associated with the creation of the Traffic Bylaw 2017 and revoke the Traffic Bylaw 2007.

Background

2. The Council resolved at its meeting on 15 August to undertake the special consultative procedure to seek submissions on the proposal to revoke the Traffic Bylaw 2007 and adopt the Traffic Bylaw 2017.
3. Public notice was given in accordance with the provisions of the LGA 2002. Copies of the Summary of Proposal, along with the Statement of Proposal were placed in all Council libraries and at the Council Administration Building. This information was also placed on the Council's website. This information is attached in Appendix 1 - 3.
4. The closing date for submissions was Monday 25 September 2017. No submissions were received.
5. It has been agreed that the matter should now be reported to this Committee. Officers recommend that the Committee recommend to the Council the proposal to revoke the Traffic Bylaw 2007 and adopt the Traffic Bylaw 2017 be approved, subject to one amendment as outlined below.

Discussion

4. Clause 18 of the proposed Traffic Bylaw 2017 reads as follows:

WINDOW WASHERS

- 18.1** *No person may wash or clean the windows or attempt to wash or clean the windows of any vehicle stopped at any intersection or approach to any intersection.*
5. Around the time Council approved the proposed 2017 Bylaw calling for public submissions officers received advice that there is a new offence in the Road User Rule, effective mid-August 2017. The new offence prohibits pedestrians from washing or offering to wash any vehicle on a road unless the vehicle is legally parked. The offence is an infringement offence (\$150) and will be enforceable by Police.
 6. Now the Police can front up, issue an infringement on the spot and move the person(s) on.
 7. When reviewing a bylaw if there is a change in legislation concerning a matter that has been included in a Council Bylaw previously, the Bylaw will be amended to take that change into account. It should also be noted that Bylaws are the lowest level of law-making. An Act of Parliament or regulations are a higher form of law.
 8. Given the legal change concerning window washers there is now no reason to retain Clause 18 in the proposed Bylaw. It is recommended that Clause 18 be deleted from the proposed Traffic Bylaw 2017.

Options

9. No submissions were received, indicating the public accept the Council's proposal. The change in legislation concerning window washers doesn't require Council to retain Clause 18 in the proposed Bylaw.
10. The option in light of the matters outlined in paragraph 9 above is to accept or reject the recommendations from staff.

Consultation

11. This report is the consequence of the special consultation process required to revoke the Traffic Bylaw 2007 and adopt the Traffic Bylaw 2017.
12. Once the 2007 bylaw has been revoked and the new Traffic Bylaw 2017 adopted, Council must give public notice of its decision, including the date upon which the decision will become effective.

Legal Considerations

13. This report is the consequence of the special consultative process required to revoke the Traffic Bylaw 2007 and adopt the Traffic Bylaw 2017.

Financial Considerations

14. There are no financial considerations.

Other Considerations

15. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of the local government in that it meets the current and future needs of the community.

Appendices

No.	Title	Page
1	Summary of Proposal - Traffic Bylaw 2017	154
2	Statement of Proposal - Traffic Bylaw 2017	156
3	Proposed Traffic Bylaw 2017	168

Author: Graham Sewell
Principal Policy Advisor

Reviewed By: Bradley Cato
Solicitor

Reviewed By: Wendy Moore
Divisional Manager, Strategy and Planning

Approved By: Kim Kelly
General Manager, City Transformation



SUMMARY OF PROPOSAL - TRAFFIC BYLAW 2017

Council proposes to make a Hutt City Council *Traffic Bylaw 2017* ("the 2017 Bylaw") and in doing so revoke the current 2007 Traffic Bylaw.

THE CURRENT 2007 TRAFFIC BYLAW

The 2007 Traffic Bylaw deals with specific activities and behaviour on roads which:

- a) may give rise to a public nuisance;
- b) may threaten public health and safety;
- c) has the potential to give rise to offensive behaviour on roads;
- d) may result in damage, misuse or loss of property which Council owns or operates.

The activities include, among other things:

- damaging Council property;
- obstructing public spaces;
- use of public space.

The current Hutt City Council Traffic Bylaw 2007 can be viewed by visiting the Council website:

www.huttcity.govt.nz

THE PROPOSED 2017 TRAFFIC BYLAW

The 2017 Bylaw will ensure adequate controls and monitoring are retained to meet public expectations around maintaining safe roads in Lower Hutt for the benefit of all.

Some activities related to parking and traffic creates problems on Hutt City roads that are required to be addressed by the Council. These activities may cause:

- an unreasonable obstruction to other road users. Hutt City faces increasing demand for parking spaces and use of the overall road network, as well as increasing congestion due to growth in the volume of traffic. Examples of activities that can cause problems include parking in a parking space in a busy area all day, or leaving a large container on a road for a long period of time;

SUMMARY OF PROPOSAL - TRAFFIC BYLAW 2017

- a danger to other people in the area, including pedestrians and other road users. Examples include skateboarding at high speed, or displaying vehicles for sale on a busy road; or
- damage to property or to the environment, such as parking on a cultivated berm.

There have also been a number of changes to parking technology since the 2007 Bylaw was made. In particular, these changes have meant that there are now a variety of methods by which people can pay for the use of parking spaces. The Council intends to make use of new parking technology to make it easier for people to comply with parking restrictions, but requires a bylaw that allows for different types of technology to be used.

Since 1997, there have also been significant changes to traffic legislation. The Land Transport Act 1998 has come into force, along with its associated Rules, including the Land Transport (Road User) Rule 2004 and the Land Transport Rule (Traffic Control Devices) 2004. The 1997 Bylaw requires updating to make it consistent with the legislative framework.

CONCLUSION

The proposed 2017 Traffic Bylaw seeks to regulate a wide range of activities undertaken on roads within Hutt City. To maintain standards for public health and safety, protect the public from nuisance, minimise the potential for offensive behaviour and to manage property owned or operated by Council for the wellbeing and enjoyment of the public using the road. The proposed bylaw will replace the existing Hutt City Council Traffic Bylaw 2007.

The Council is seeking submissions on this proposal. The full statement of proposal to create the 2017 Bylaw as noted above along with a submission form are available on the Council website www.huttcity.govt.nz or at the Hutt City Council Administration Building, 30 Laings Road, Lower Hutt, and all Hutt City Council libraries

Submissions open on 22 August 2017 and close at 5.00pm on Monday 25 September 2017.



STATEMENT OF PROPOSAL TO MAKE THE HUTT CITY COUNCIL BYLAW 2017 TRAFFIC

AND REVOKE THE HUTT CITY COUNCIL
BYLAW 2007 TRAFFIC

AUGUST 2017

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

CONTENTS

1. Introduction	3
2. Review of the 2007 Bylaw	3
2.1 Statutory Framework for the Review	3
2.2 Bylaw-Making Powers	4
2.3 The Perceived Problem	4
2.4 Most Appropriate Way to Address Perceived Problem	4
2.5 Most Appropriate Form of Bylaw	6
2.6 Implications under the New Zealand Bill of Rights Act 1990 ("Bill of Rights")	6
3. The Proposed Bylaw	8
3.1 Additions, Modifications and Deletions Made in Respect of THE 2007 Bylaw	8
3.2 Explanation of the Proposed Bylaw Content	8
4. Process for the Development of the Proposed Bylaw	12

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

1. INTRODUCTION

Hutt City Council has reviewed and as a consequence proposes to revoke the existing Hutt City Council Traffic Bylaw 2007 ("the 2007 Bylaw") and replace it with a new bylaw relating to traffic ("the proposed Bylaw"). This Statement of Proposal pertains to the review of the 2007 bylaw and the proposed new Traffic Bylaw.

The 2007 Bylaw was made under the Local Government Act 1974 and Transport Act 1962. Since then, the Local Government Act 2002 ("LGA") has come into force. Under the LGA, the Council is required to review its 2007 Bylaw before July 2017. If that review is not completed within two years of that date the Bylaw will lapse in July 2019.

This paper sets out the statutory framework for the review of the 2007 Bylaw, identifies the perceived problems that the proposed Bylaw needs to address, and discusses whether the proposed Bylaw is the most appropriate way to address the perceived problems. This statement then sets out the reasons why the Council considers the proposed Bylaw to be the most appropriate form of Bylaw. The implications of the proposed Bylaw under the New Zealand Bill of Rights Act 1990 are discussed. Finally, an explanation of the proposed content of, and rationale for, each provision of the proposed Bylaw is given.

This Statement of Proposal has been prepared in accordance with section 83 of the LGA.

2. REVIEW OF THE 2007 BYLAW

2.1 STATUTORY FRAMEWORK FOR THE REVIEW

Council is required to review its 2007 Bylaw relating to traffic before 3 July 2017 under section 159 of the LGA. Under sections 159 and 155, the review of a bylaw must take the form of reconsideration of the matters that the Council is normally required to consider before making a bylaw.

Section 155 requires the Council to determine whether the proposed Bylaw is the most appropriate way of addressing the perceived problem. If so, the Council must determine whether the proposed Bylaw is the most appropriate form of bylaw, and whether the proposed Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 ("Bill of Rights"). No bylaw can be inconsistent with the Bill of Rights.

In reviewing a bylaw, the Council must use the special consultative procedure set out in section 83 of the LGA (as required by section 156).

The 2007 Bylaw can be viewed by visiting the Council's website: www.huttcity.govt.nz

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

2.2 BYLAW-MAKING POWERS

Council has the power to make bylaws for its district (under section 145 of the LGA) for the purposes of:

- a. protecting the public from nuisance;
- b. protecting, promoting, and maintaining public health and safety;
- c. minimising the potential for offensive behaviour in public places.

A bylaw about traffic is consistent with all of the purposes for which the Council can make bylaws under section 145.

There are bylaw-making powers under other legislation that are relevant to traffic. The Council is empowered to make bylaws about the use of roads under section 72 of the Transport Act 1962.

These powers include the power to prohibit or restrict the stopping, standing, or parking of vehicles on any road (section 72(1)(k)).

2.3 THE PERCEIVED PROBLEM

Some activities related to parking and traffic create problems on Hutt City roads that are required to be addressed by the Council. These activities may cause:

- an unreasonable obstruction to other road users. Hutt City faces increasing demand for parking spaces and use of the overall road network, as well as increasing congestion due to growth in the volume of traffic. Examples of activities that can cause problems include parking in a parking space in a busy area all day, or leaving a large container on a road for a long period of time;
- a danger to other people in the area, including pedestrians and other road users. Examples include skateboarding at high speed, or displaying vehicles for sale on a busy road; or
- damage to property or to the environment, such as parking on a cultivated berm.

There have also been a number of changes to parking technology since the 2007 Bylaw was made. In particular, these changes have meant that there are now a variety of methods by which people can pay for the use of parking spaces. The Council intends to make use of new parking technology to make it easier for people to comply with parking restrictions, but requires a bylaw that allows for different types of technology to be used.

Since 1997, there have also been significant changes to traffic legislation. The Land Transport Act 1998 has come into force, along with its associated Rules, including the Land Transport (Road User) Rule 2004 and the Land Transport Rule (Traffic Control Devices) 2004. The 2007 Bylaw requires updating to make it consistent with the new legislative framework.

2.4 MOST APPROPRIATE WAY TO ADDRESS PERCEIVED PROBLEM

Consideration has been given to a range of options for addressing the problems identified above.

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

Non-regulatory options

The Council has considered non-regulatory options for addressing the perceived problems. However, the Council does not consider that non-regulatory measures will be sufficient to address problems related to parking and traffic. The fundamental difficulty with any voluntary compliance regime in this area is that individuals do not have an adequate incentive to comply. The Council therefore requires bylaws so that it is able to enforce restrictions on parking and traffic for the benefit of all road users.

The Council uses educative programmes to advise people of major changes to parking or traffic rules. However, these measures alone are not sufficient to address the problems.

The Council considers it is necessary to have a Traffic Bylaw in place to ensure there is compliance with its traffic policies and practices, which have an important effect on the general public, property, and the environment.

Regulatory options

Some of the provisions of the 2007 Bylaw address matters that are either already covered by, or are related to matters covered by, existing legislation.

A number of the provisions in the 2007 Bylaw have some crossover with provisions in the Land Transport (Road User) Rule 2004 and the Land Transport Rule: Traffic Control Devices 2004. However, as these Rules do not address all of the perceived problems, the Council considers that it is appropriate to continue to have a Traffic Bylaw in order to address the perceived problems. Some amendments have been proposed to refine the scope of the Bylaw in light of the Rules to ensure there is no unnecessary overlap.

Community outcomes

Hutt City Council has a commitment to achieving city-wide outcomes identified by the community. Community Outcomes are set out on page 7 of the Hutt City Council's *Long Term Plan 2015 – 2025*. The Roading and Footpaths activity contributes to our community outcomes of a safe community and an accessible and connected city.

These outcomes relate to the matters covered by the Traffic Bylaw because the regulation of parking in central city and city fringe areas may encourage the use of public transport. In addition, ensuring that Hutt City is a safe place to use any mode of transport and is not overly congested helps to make Hutt City interesting and attractive.

In order to achieve these goals, the Council considers it necessary to have in place measures to regulate behaviour or activities that raise concerns about safety or property damage, or cause nuisance, on roads. The proposed Bylaw is consistent with the outcomes in the Council long-term plan.

Summary

Although other regulatory and non-regulatory measures may assist in managing the perceived problems, the Council does not consider that these other measures are sufficient to address the perceived problems.

The Council considers that the proposed Bylaw is the most appropriate way to address the perceived problems. The Council also considers that the proposed bylaw will contribute to achieving the community outcomes identified in the Council's *Long Term Council Community Plan 2006-2016*.

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

2.5 MOST APPROPRIATE FORM OF BYLAW

The proposed Bylaw addresses the perceived problems by allowing the Council to regulate the use of parking spaces on Hutt City roads, and prohibiting or regulating certain activities on roads where they cause nuisance or hazards to the safety of pedestrians and road users. The proposed Bylaw is flexible and allows changing circumstances to be recognised.

The proposed Bylaw clearly states the Council's position by stating whether or not an activity is permitted, and which activities constitute a breach of the bylaws. The Bylaw sets out what action

needs to be taken to comply with it, for example, whether a permit from the Council is required for the activity.

The proposed Bylaw reflects a number of the Council's existing policies and practices, and also reflects community goals that have been identified by the Council.

The proposed Bylaw is consistent with the style when compared with other parts of the Hutt City Council Bylaws.

The proposed Bylaw is therefore the most appropriate form of bylaw. It clearly states the Council's position on each issue, how the Bylaw can be complied with, reflects the Council's existing policies and practices, and addresses the perceived problem.

2.6 IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990 ("BILL OF RIGHTS")

As mentioned, Council is required to determine whether a bylaw relating to traffic gives rise to implications under the Bill of Rights (section 155 of the LGA). Two of the provisions have the potential to conflict with some of the rights and freedoms contained in the Bill of Rights. These are:

- proposed clause 12 – Skateboards; and
- proposed clause 11 – Displaying vehicles for sale on road.

Skateboards

The proposed clause 15, on skateboarding (and other similar activities) provides that the Council can specify an area as a skating ban area, either generally or on specific times and days.

The proposed clause contains a general prohibition on skateboarding in a public place in a manner that is dangerous or creates a nuisance for traffic or pedestrians. Skateboarding is also prohibited by the proposed clause on a road or public place during the night, or in a skating ban area.

There is a general exemption for skateboarding in facilities that are provided by the Council for those purposes. There is also a requirement for a person who is holding a competition or gathering that involves skateboarding to seek written permission from the Council before doing so, and comply with any conditions imposed by the Council on its written permission (which allows the Council to make sure any potential safety issues with the event are addressed).

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

This clause has the potential to infringe on the right to freedom of peaceful assembly (in section 16 of the Bill of Rights) and the right to freedom of association (section 17 of the Bill of Rights). However, the Council considers that the proposed clause is not inconsistent with the Bill of Rights.

Although the Bylaw makes some imposition on individual's rights, there are good reasons to justify the Bylaw. Skateboarding, and other similar activities, can cause both a nuisance and a safety hazard to pedestrians and road users.

In addition, there are important limitations in the Bylaw on the Council's ability to impose skateboarding bans. The proposed clause ensures that skateboarding bans will only be imposed in areas where the Council has evidence that there have been problems caused by skateboarding that justify a ban.

The proposed clause also ensures that a ban does not impose on individual's rights more than it should, by the inclusion of the possibility of having the skateboarding ban only at certain times and certain days.

Individuals rights are further protected by the requirement on Council to take certain factors into account in deciding whether to make an area a skateboarding ban area, as discussed above. Finally, although the proposed clause prohibits skateboarding on a road or public place during the night, or in any skateboarding ban area, the proposed clause does not prohibit skateboarding altogether. Skateboarding is only generally prohibited when it is dangerous or creates a nuisance for traffic or pedestrians.

The Council's view is that in accordance with section 5 of the Bill of Rights, proposed clause 11 represents a reasonable limit on the rights to freedom of peaceful assembly and of association that can be demonstrably justified in a free and democratic society.

Displaying vehicles for sale on roads

The proposed clause 14, which relates to the display of vehicles for sale on roads, also has the potential to infringe on the same rights as identified above for skateboarding.

The proposed clause 14 provides that no person may stop, stand, or park a vehicle on a road for the purpose of displaying the vehicle for sale on the basis that it is reasonable to allow residents to advertise their vehicles for sale provided they are being used for day to day travel. This allows individuals to continue in the time-honoured tradition of advertising and selling their own car and at the same time prevents car dealers (either registered or unregistered) from using public roads to advertise and sell their vehicles.

It is Council's view that the proposed clause 11 also represents a reasonable limitation on the rights contained in the Bill of Rights.

Summary

No provision of the proposed Bylaw is therefore inconsistent with the Bill of Rights.

3. THE PROPOSED BYLAW

3.1 ADDITIONS, MODIFICATIONS AND DELETIONS MADE IN RESPECT OF THE 2007 BYLAW

In reviewing the best way to address the perceived problems in drafting the proposed Bylaw, the Council began from first principles. Many of the provisions from the previous Bylaw have been retained but where there are proposed changes this has been displayed as tracked changes in the proposed bylaw attached.

Other parts of the proposed Bylaw are new, such as the provisions relating to coupon parking. These new provisions were considered necessary to address the perceived problems. These provisions are specifically identified in section 3.2 below.

3.2 EXPLANATION OF THE PROPOSED BYLAW CONTENT

This section gives an overview of the rationale for, and the content of, the proposed Bylaw.

Proposed clause 1 – Interpretation

This clause is proposed so that the meaning of terms used in the bylaw is clear. It also avoids any potential confusion about the meaning of terms that are also used in the Land Transport rules.

One of the key definitions is the definition of “metered parking area”. This definition is intended to allow the Council to specify or allow payment for parking by a variety of methods, so that the bylaw will remain relevant as parking technology changes.

Proposed clause 2 – General

This clause is proposed to outline the matters Council can address using the provisions outlined in the proposed bylaw.

Proposed clause 3 – Time restricted parking

This clause is proposed to enable Council to create time restricted parking which may also be subject to conditions imposed by Council.

Proposed clause 4 – Coupon or metered parking areas

This clause is proposed to allow the Council to specify certain areas as coupon parking areas or metered parking areas, as well as the days and times for which fees apply to the areas, and the length of time for which a vehicle can be parked in the area without paying any fee (if any).

A safeguard has been included in the form of a requirement that appropriate road markings and signs must be in place in the areas before the parking restrictions can come into effect. The Council is obliged to put up appropriate signs and road markings by the Land Transport Rule: Traffic Control Devices 2004.

Proposed clause 5 – Residents' parking

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

The Council considers that it is appropriate to continue to allow for a residents' parking scheme in the bylaw, which may be invoked by a decision of the Council. This provision of the Bylaw is designed to address the increasing problem that residents in some areas have in finding a parking space near their place of residence. This is especially important for residents who have no off-street parking.

The Bylaw allows residents to apply to the Council for a resident's parking permit, which allows the person to park in a resident's parking area near their place of residence. Only residents that meet the requirements of the bylaw will be able to park in residents' parking areas. The Council may impose conditions on permits as it considers appropriate.

Proposed clause 6 – Reserved parking and no stopping areas

This clause is proposed to ensure that a person can only park in reserved parking and no stopping areas if he or she validly displays a parking permit issued by the Council. It is also designed to allow Council enforcement staff to easily identify whether somebody is parking in accordance with the Bylaw, by requiring that permits be displayed prominently.

Proposed clause 7 – Time restricted parking

This clause is proposed to make it clear that no one can use a vehicle in a manner that is contrary to any Council time restricted parking prohibition, limitation or restriction.

Proposed clause 8 – Restriction on parking in coupon parking areas

This clause is proposed to complement the Council's power in clause 4 to specify metered parking areas, by providing that a person who parks a vehicle in a metered parking area can only do so if they validly display a parking coupon or a coupon exemption permit. This clause also outlines the conditions associated with the proper use of a parking coupon or a coupon exemption permit.

Proposed clause 9 – Restrictions on parking in metered parking areas

This clause is proposed to complement the Council's power under clause 4 to specify that no one can use a metered parking space on the days and during the times established by the Council without paying the prescribed fee.

Proposed clause 10 – Restrictions on parking in resident's parking areas

This clause is proposed to complement the Council's power under clause 5 to specify that no one can park in a residents parking space unless they have a residents' parking permit.

Proposed clause 11 – Restrictions on parking in parking spaces

This clause is proposed to impose certain general restrictions on parking in parking areas, such as the requirement to occupy only one parking space at a time, and not to park in a parking space that is already occupied by another vehicle.

These restrictions will avoid any nuisance and potential health and safety hazards associated with inconsiderate parking, and make it easier for others to use surrounding parking spaces. This provision also clarifies the situations in which it is appropriate not to comply with these restrictions, for example, when the vehicles are both motorcycles, they may both occupy the same parking space.

Proposed clause 12 – Parking on the grass

The proposed clause 12 deals with the damage done to grass by parking, and addresses the traffic and pedestrian safety hazard that can arise when cars are parked on the side of the road. Safety hazards can arise because of the obstruction to viewing traffic on the road. Hazards can also arise when people have to walk around parked vehicles and potentially step onto roads to get around vehicles parked on the curb. Having cars parked on the areas next to road also causes problems with access by Council staff or contractors who need to do maintenance work in those areas.

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

The issues with safety, damage and access are such that the Council has considered not allowing parking on the grass at all. However, the Council decided this would be too expansive and the clause therefore only prohibits parking on the grass if there is likely to be damage.

The Council acknowledges that in some cases, car drivers have no option but to park on the area next to a road, for example, when their places of residence have no off-street parking. In those situations, the bylaw allows drivers to safely park on the curb. Drivers will still have to comply with the general requirement to park with due consideration for other road users, and any other applicable requirements, as outlined in the Land Transport (Road User) Rule 2004.

Proposed clause 13 – Parking immobilised or unlicensed vehicles

Proposed clause 13.1 of the proposed bylaw provides that no person can stop, stand, or park a vehicle on a road for 7 or more days that cannot be driven away safely.

Proposed clause 13.2 empowers Council to seize and impound any vehicle in breach of clause 13.1. This covers situations where vehicles are simply left on the side of the road indefinitely. People will still be allowed to leave such a vehicle on the road for less than seven days.

Proposed clause 14 – Displaying vehicles for sale on road

Proposed clause 14 is proposed to deal with any safety hazard caused by more than one person stopping, standing, or parking vehicles on roads for the purposes of displaying the vehicles for sale. Refer also to section 2.6 above.

Proposed clause 15 – Skateboards

As discussed in section 2.6 above, this clause is proposed to deal with the danger and nuisance to traffic and pedestrians caused by skateboarders.

Proposed clause 16 – Placing containers on roads

Proposed clause 16 gives the Council enforcement powers in respect of the Council's policy, *Skip/Container Bins on Road Reserve (including Grass Berms)*. The problem that the bylaw is intended to address is the hazard created by having large containers on roads, which may inconvenience traffic and pedestrians and obstruct the view of the road.

Clause 16 provides that containers that are of, or over, certain dimensions specified in the Bylaw cannot be placed on roads without the prior written permission of the Council. Any containers which are smaller than that can be placed on roads subject to certain restrictions set out in clause 16.3. For example, one of the requirements is that the name of, and a 24-hour contact telephone number for, the owner of the container is prominently displayed on the container.

The clause generally ensures that compliance with and enforcement of the Council's policy will be straightforward. In general, the Council intends to allow the placement of large containers on roads provided that safety issues are addressed.

Proposed clause 17 – Advertising on the road

This proposed clause 17 is designed to address the safety hazard caused by advertising signs, notices, or markers on the road.

The Council considers that this bylaw is necessary despite clause 5.5 of the Land Transport Rule: Traffic Control Devices 2004. Clause 5.5 appears designed to deal with signs or markings that have been applied or secured to the road surface, rather than signs placed on the road. The Council therefore considers that including this provision in the Bylaw is necessary to address the concerns with safety that can arise when such signs are placed on the road.

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

Proposed clause 18 – Window washers

This proposed clause 18 is to address concerns about safety in relation to people attempting to wash or clean the windows of vehicles stopped at intersections. The concerns about safety relate to both the disturbance of drivers while at intersections, and the safety of those washing the windows.

The clause therefore prevents any person from washing windows, or attempting to wash windows, of vehicles stopped at intersections.

Proposed clause 19 - Beaches

This proposed clause 19 is to stop motor vehicles using the beach unless they have the prior consent of the Council or are using a designated boat launching area to launch or land a boat.

Council considers beaches within the city as places motor vehicles generally should not use. Beaches are places used primarily for recreational purposes, not to park or drive motor vehicles.

Proposed clause 20 – Road Upgrade and/or maintenance work

This proposed clause 20 is to make it clear what notification process Council will follow when undertaking road works that will require the section of road affected to be clear of vehicles.

The aim is to provide residents affected with adequate notice no later than 48 hours before work commences.

Proposed clause 21 – Vehicle and container removal

This proposed clause 21 is to enable Council to remove any vehicle or thing in breach of this bylaw. It can also be used after giving notice under clause 20.

Proposed clause 22 - Defences

This clause has been proposed in recognition of the fact that it is not always appropriate that people be found liable under the Bylaw.

Any person prosecuted for an offence under the Bylaw has a defence if the act complained of was done in accordance with the instructions of an enforcement officer. An enforcement officer for the purposes of the bylaw may be either a sworn member of the New Zealand Police, or a person appointed as a parking warden by the Council.

In addition, the Council recognises that minor infringements of the traffic bylaw may occur in the course of trade but without causing any of the perceived problems, so a defence has been included in respect of the restrictions on coupon and metered parking for persons acting in the course of trade. However, the defence only applies if the vehicle is being used with due consideration for the safety and convenience of traffic and pedestrians.

Proposed clause 23 – Exemptions to this bylaw

The Council considers it appropriate that those who are acting in accordance with a valid traffic management plan approved by the Council should be exempt from the bylaw. This will apply to people who are carrying out road works on behalf of the Council, amongst others.

Proposed clause 24 – Fees and offences

The proposed clause 24 is to make it clear that Council may by resolution prescribe, abolish or amend fees made under this bylaw. To also make it clear that any person commits an offence against this bylaw who fails to comply with its requirements.

Council may also seek to recover from any person who breaches this bylaw.

Statement of Proposal to make the Hutt City Council Bylaw 2017 Traffic

This clause also enables Council by resolution to prescribe, abolish or amend infringement fines for breaches of this bylaw or any resolution made under it.

Proposed clause 25 – Restrictions by resolution

The proposed clause 25 is to make it clear that if an enactment or Land Transport Rule applies a Council resolution is not required.

4. **PROCESS FOR THE DEVELOPMENT OF THE PROPOSED BYLAW**

The special consultative procedure will end at 5.00pm on **Monday 25 September 2017**.

Hearings and meetings on the proposed bylaw will be open to the public, and people may speak to their submissions at the relevant committee meeting.

An analysis of all submissions will be presented to the relevant council committee for consideration. The proposed bylaw will then be referred to the Council for consideration and adoption.

**PROPOSED HUTT CITY
COUNCIL TRAFFIC
BYLAW ~~2007~~17**

ADOPTED BY COUNCIL ~~3 JULY 2007~~ X XXXX XXXX
~~AMENDED 20 NOVEMBER 2014~~



PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017

CONTENTS

1. Interpretation	4
2. General	6
3. Time Restricted Parking	8
4. Coupon or Metered Parking Areas	8
5. Residents' Parking	8
6. Reserved Parking and No Stopping Areas	9
7. Time Restricted Parking	10
8. Restriction on Parking in Coupon Parking Areas	10
9. Restriction on Parking in Metered Parking Areas	10
10. Restriction on Parking in Resident's Parking areas	10
11. Restrictions on Parking in Parking Spaces	11
12. Parking on the Grass	11
13. Parking Immobilised or Unlicensed Vehicles	11
14. Displaying Vehicles for Sale on Road	<u>1312</u>
15. Skateboards	<u>1312</u>
16. Placing Containers on Roads	<u>1312</u>
17. Advertising on the Road	<u>1413</u>
18. Window Washers	<u>1413</u>
19. Beaches	<u>1413</u>
20. Road Upgrade and / or Maintenance Work	<u>1513</u>
21. Vehicle and Container Removal	<u>1514</u>
22. Defences	<u>1615</u>
23. Exemptions to this Bylaw	<u>1615</u>
24. Fees and Offences	<u>1615</u>
25. Restrictions by Resolution	<u>1615</u>
Schedule 1	Error! Bookmark not defined.18
Appendix 1	Error! Bookmark not defined.20
Appendix 2	Error! Bookmark not defined.21
Appendix 3	Error! Bookmark not defined.22
Appendix 4	Error! Bookmark not defined.23
Appendix 5	Error! Bookmark not defined.24
Appendix 6	Error! Bookmark not defined.25
Appendix 7	Error! Bookmark not defined.26
Appendix 8	Error! Bookmark not defined.27
Appendix 9	Error! Bookmark not defined.28
Appendix 10	Error! Bookmark not defined.29
Appendix 11	Error! Bookmark not defined.30
Appendix 12	Error! Bookmark not defined.34

PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017

Appendix 13Error! Bookmark not defined.32

Appendix 14Error! Bookmark not defined.33

Appendix 15Error! Bookmark not defined.34

~~PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017~~

1. INTERPRETATION

"Authorised officer" means any person appointed or authorised by Council to act on its behalf and includes:

- (a) any police officer; or
- (b) parking warden appointed under section 128D of the Land Transport Act 1998 or enforcement officer.

"Beach" does not include the area below the line of mean low water springs.

"Boat" includes a speedboat, yacht, jet-ski, canoe, kayak, dinghy, or raft.

"Bylaw" means this Traffic Bylaw.

"Coupon exemption permit" means a permit issued by Council under clause 8.4 of this Bylaw.

"Coupon parking area" means an area specified by Council resolution under clause 4.1(a) of this Bylaw, in which parking is subject to the valid display of a parking coupon.

"Council" means the Hutt City Council.

"Cycle track" means any land set aside by Council as a public cycle track under section 332 of the Local Government Act 1974.

"Enforcement officer" means a sworn member of the New Zealand Police or any person appointed as a parking warden by Council.

"Metered parking area" means an area specified by Council resolution under clause 4.1(a) of this Bylaw, in which parking is subject to payment by way of a parking meter, a Pay and Display machine, In-Car Meter, or any other method of payment for parking as determined by Council.

"Motor vehicle" has the meaning set out in section 2(1) of the Land Transport Act 1988.

"Night" means the period commencing 30 minutes after sunset and ending 30 minutes before sunrise.

"Parking" has the meaning set out in clause 1.6 of Part 1 of the Land Transport (Road User) Rule 2004, and "park" and "parked" have corresponding meanings.

"Parking coupon" means a coupon, issued by or on behalf of Council to any person, authorising the parking of a vehicle in a coupon parking area under this Bylaw, and it may include any conditions Council considers appropriate.

"Parking space" means a place (including a building) where vehicles, or any class of vehicles, may stop, stand, park.

~~**"Prescribed fee"** means a fee prescribed by Council resolution under clause 4.3 of this Bylaw.~~

"Public place" includes any road, street, public highway, footpath, footway, court, alley, lane, access way or thoroughfare open to or used by the public as of right and includes a reserve within the meaning of section 2 of the Reserves Act 1977.

"Residents' parking permit" means a permit issued by Council under clause 5.6 of this Bylaw.

"Residents' parking area" means an area specified by Council resolution under clause 5.1(a) of this Bylaw as a residents' parking area.

PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017

"Residents' parking space" means a parking space specified by Council resolution under clause 5.1(b) of this Bylaw as a residents' parking space, but only during the days and times specified by Council under clause 5.1(c) of this Bylaw.

"Road" has the meaning set out in section 2(1) of the Land Transport Act 1998.

~~**"Divisional Manager – Road & Traffic"** means the officer of Council holding that office and includes any person authorised to act on his or her behalf.~~

"Skating ban area" means a public place specified by Council resolution under clause 15.1 of this Bylaw and outlined in Schedule 1.

"Time restricted parking area" means a parking space specified by Council resolution under clause 3.1 of this Bylaw as a time restricted parking area.

"Traffic control device" has the meaning given to that term in the Land Transport Rule: Traffic Control Devices 2004.

"Traffic management plan" means a document describing the diagram, implementation, maintenance and removal of temporary traffic management that has been approved by Council resolution.

"Trailer" means a vehicle without motor power that is capable of being drawn or propelled by a motor vehicle from which it is readily detachable, but does not include:

- (a) a side car attached to a motorcycle; or
- (b) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

"Vehicle" has the meaning set out in section 2(1) of the Land Transport Act 1998.

PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017

2. GENERAL

2.1 This Bylaw is made under the Local Government Act 1974, the Local Government Act 2002 and the Land Transport Act 1998.

2.2 Council may by resolution:

- (a) prohibit or otherwise restrict the stopping, standing or parking of vehicles on any road or part of a road or on any piece of land owned or controlled by Council;
- (b) set aside, designate or reserve any road, part of a road or any piece of land owned or controlled by Council, as:
 - (i) stopping places or stands for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
 - (ii) operation mobility parking spaces;
 - (iii) parking places and zone parking;
 - (iv) transport stations;
 - (v) clearways;
 - (vi) cycle lanes and cycle paths;
 - (vii) reserved parking areas;
 - (viii) residents' parking;
 - (ix) special vehicle lanes or lanes for vehicles carrying specified classes of loads or not less than a specified number of occupants;
 - (x) one-way roads; and
 - (xi) nominate intersections and places where traffic control devices may be installed, used, or erected (including but not limited to traffic signals, 'give way' signs and 'stop' signs); and
- (c) prohibit or restrict:
 - (i) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing U-turns) on specified roads;
 - (ii) left turns, right turns or through movements;
 - (iii) weights of vehicles or loads that may pass over bridges or culverts;
 - (iv) any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reasons of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
 - (v) parking of heavy motor vehicles or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified;
 - (vi) the use of roads by pedestrians;
 - (vii) the use of roads by cyclists;
 - (viii) the use of roads or public places for the display of motor vehicles for trading or sale; and
 - (ix) parking during road upgrade and / or maintenance work; and
- (d) permit turning movements to be made only by:

6 of 16

~~PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017~~ ~~HUTT CITY COUNCIL TRAFFIC BYLAW 2007~~

- (i) passenger service vehicles;
- (ii) vehicles of other specified classes; and
- (iii) vehicles carrying specified classes of loads or not less than a specified number of occupants.

2.3 A resolution may be made under clause 2.2:

- (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
- (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
- (c) that applies to any road or part of a road under the care, control, or management of ~~Hutt City~~ Council; or
- (d) that applies at any specified time or period of time.

2.4 Council may, by resolution, amend this Bylaw in accordance with the Land Transport Act 1998 and the Local Government Act 2002 to rescind, amend, replace or vary any matter regulated~~resolution made~~ under clause 2.2 at any time.

PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017

PART 1 - COUNCIL POWERS TO SPECIFY TIME RESTRICTED, COUPON OR METERED PARKING AREAS, RESIDENTS' PARKING AREAS, AND RESERVED PARKING OR NO STOPPING AREAS

3. TIME RESTRICTED PARKING

- 3.1 Council may ~~declare~~ by resolution specify any road, part of a road, or piece of land owned or controlled by Council, to be a time restricted parking area.
- 3.2 Council may impose the following conditions by resolution in respect of any time restricted parking area:
- (a) the time or times during which parking restrictions have effect;
 - (b) the number and situation of parking spaces within each time restricted parking area;
 - (c) the maximum time allowed for parking in any space within any time restricted parking area;
 - (d) the fees payable for parking in any parking space within a time restricted parking area;
 - (e) the class or description of vehicles that may stop, stand or park within a time restricted parking area; ~~and~~
 - (f) the means by which fees may be paid in respect of each time restricted parking area ~~and~~;
 - (g) any other condition Council sees fit.

4. COUPON OR METERED PARKING AREAS

- 4.1 Council may by resolution specify:
- (a) any geographic area as a coupon parking area or a metered parking area, which may be comprised of any road, or part of a road, or group of roads, or any combination of these;
 - (b) the days and times for which fees apply to each coupon parking area or metered parking area;
 - (c) the length of time, if any, for which a vehicle may be parked in a parking space in a coupon parking area without validly displaying a parking coupon or a coupon exemption permit;
 - (d) the date and time at which a decision made under this clause 4.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the coupon parking area or metered parking area.
- 4.2 Council may amend by resolution or revoke a decision made under clause 4.1 of this Bylaw at any time.
- ~~4.3 Council may prescribe fees for a metered parking area or a coupon parking area by resolution in accordance with clause 25.1 of this Bylaw.~~
- ~~4.4 Parking in a coupon parking area or a metered parking area may be subject to any other restrictions as may be imposed by Council under any enactment.~~

5. RESIDENTS' PARKING

- 5.1 Council may by resolution specify:

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- (a) any geographic area as a residents' parking area, which may be comprised of any road, or part of a road, or group of roads, or any combination of these;
- (b) the parking spaces in the residents' parking area that are resident's parking spaces;
- (c) the days and times that the parking spaces referred to in clause 5.1(b) of this Bylaw are residents' parking spaces; and
- (d) the date and time at which a decision made under this clause 5.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the residents' parking area.

5.2 Council may by resolution amend or revoke a decision made under clause 5.1 of this Bylaw at any time.

~~5.3 Any residents' parking space is not subject to any coupon parking area or metered parking area restrictions, or any time-limit restrictions that are imposed by Council under any enactment.~~

~~5.4 A person may apply to Council for a residents' parking permit, using a Council-approved form.~~

~~5.5 A person may apply for a residents' parking permit only in respect of a particular vehicle and a particular residents' parking area if:~~

- ~~(a) the person's main place of residence is on a road in the residents' parking area; and~~
- ~~(b) the person is the registered owner of the vehicle; or~~
- ~~(c) the person has the registered owner's written permission to apply for a residents' parking permit in respect of the vehicle.~~

~~5.6 Council may grant a residents' parking permit on such conditions as Council considers appropriate.~~

~~6.7 A person who holds a residents' parking permit may apply to Council to have the permit re-issued in respect of a different vehicle for the remaining part of the permit's duration without paying any fee.~~

6. RESERVED PARKING AND NO STOPPING AREAS

6.1 Council may by resolution designate any parking space or spaces as a reserved parking or no stopping area for any specified period.

6.2 Council may grant a permit for temporary reserved parking or to allow parking on a temporary no stopping area on such conditions as Council considers appropriate.

6.3 No person may park a vehicle in a parking space that has a "Reserved Parking" sign in place unless the person:

- (a) holds a reserved parking permit from Council; and
- (b) is acting in accordance with any conditions imposed by Council on the permit.

6.4 No person may stop, stand or park a vehicle in a parking space that has a "No Stopping" sign in place.

PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017

PART 2 – RESTRICTIONS ON PARKING

7. TIME RESTRICTED PARKING

- 7.1 No person being the driver or the person in charge of any vehicle may drive, stop, stand or park, or otherwise use that vehicle in a manner that is contrary to any prohibition, limitation or restriction imposed from time to time by resolution of Council in relation to a time restricted parking area.

8. RESTRICTION ON PARKING IN COUPON PARKING AREAS

- 8.1 No person may park in a parking space in a coupon parking area on the days and during the times specified by Council under clause 4.1(b) of this Bylaw, and for longer than any period of time specified by Council under clause 4.1(c) of this Bylaw, unless the person validly displays:
- (a) a parking coupon; or
 - (b) a coupon exemption permit.
- 8.2 For the purposes of clause 8.1 of this Bylaw, a parking coupon or coupon exemption permit is validly displayed only if:
- (a) the person parks the vehicle in accordance with any conditions imposed by Council on the use of a parking coupon or coupon exemption permit; and
 - (b) the parking coupon or coupon exemption permit is displayed prominently inside the vehicle to which the coupon or permit relates, so that it can be read from outside the vehicle.
- 8.3 A person may apply to Council for a coupon exemption permit, using a Council approved form, if the person requires the permit in connection with the activities of a business, school, or community service group.
- 8.4 Council may issue a coupon exemption permit on such conditions as Council considers appropriate.
- ~~8.5 A Council officer may require the driver or person in charge of a vehicle parked in a coupon parking area to produce a parking coupon for inspection.~~

9. RESTRICTION ON PARKING IN METERED PARKING AREAS

- 9.1 No person may stop, stand, or park a vehicle in a parking space in a metered parking area on the days and during the times specified by Council under clause 4.1(b) of this Bylaw without paying the prescribed fee for that parking space.

10. RESTRICTION ON PARKING IN RESIDENT'S PARKING AREAS

- 10.1 No person may park in a residents' parking space in a residents' parking area unless:
- (a) the person holds a residents' parking permit from Council for that residents' parking area;
 - (b) the person parks the vehicle in accordance with any conditions imposed by Council on the permit; and
 - (c) the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle.

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11. RESTRICTIONS ON PARKING IN PARKING SPACES

- 11.1 No person may park a vehicle on or over the road markings indicating the limits of a parking space.
- 11.2 Clause 11.1 of this Bylaw does not apply to a vehicle with a trailer attached to it if:
- (a) the vehicle and the trailer are parked within the outer limits of two adjacent parking spaces; and
 - (b) if the parking spaces are in a payment parking area, the person in charge of the vehicle pays the prescribed fee in respect of both parking spaces.
- 11.3 No person may park a vehicle in a parking space that is already occupied by another vehicle.
- 11.4 Clause 11.3 of this Bylaw does not apply to a motor cycle if:
- (a) it is parked in the same parking space as another motor cycle;
 - (b) there is sufficient room to park more than one motor cycle in the parking space so that any of the motor cycles can be safely removed from the parking space at any time; and
 - (c) if the parking space is in a payment parking area, a person in charge of one of the motor cycles in the parking space pays the prescribed fee.

12. PARKING ON THE GRASS

- 12.1 No person may stop, stand, or park a vehicle on a berm, verge, kerb, lawn, garden, or other cultivation adjacent to, or forming part of a road:
- (a) so as to cause or be likely to cause damage to the cultivated area; **Formatted: Indent: First line: 0"**
 - (b) ~~so as to obstruct other traffic or pedestrians or any view of the roadway to the driver of a vehicle entering or exiting the roadway without due consideration for the safety and convenience of traffic and pedestrians.~~ **Formatted: Strikethrough**
- 12.2 Clause 12.1(a) of this Bylaw does not apply if:
- (a) ~~an occupier of a property person parks adjacent to that person's property~~ contrary to clause 12.1(a) because there is no off-street parking on that person's property due to the topography of the land ~~and no on street parking within a reasonable walking distance of that person's property.~~ **Formatted: Indent: Left: -0.39"**
 - (b) ~~the person parks the vehicle with due consideration for the safety and convenience of traffic and pedestrians.~~

13. PARKING IMMOBILISED OR UNLICENSED VEHICLES

- ~~13.1 No person may stop, stand, or park a vehicle on a road that does not have the vehicle registration number displayed on it, either on registration plates or a licence issued under Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.~~
- 13.2 No person may stop, stand, or park a vehicle on a road ~~for 7 days or more~~ that:
- (a) has no motive power in or attached to it; or
 - (b) is in such a state that it cannot be driven safely ~~for 7 days or more.~~

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13.3² Council may seize and impound any vehicle in breach of clauses 13.1 or 13.2 of this Bylaw in accordance with section 164 of the Local Government Act 2002.

13.4 In this clause 13, "vehicle" includes trailers, caravans, boats, and the shell or hulk of a vehicle.

~~PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017~~

PART 3 – TRAFFIC RESTRICTIONS

14. DISPLAYING VEHICLES FOR SALE ON ROAD

- 14.1 A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel.

15. SKATEBOARDS

- 15.1 Council may by resolution specify a skating ban area, either generally or only in relation to specified times and days.
- 15.2 Council may by resolution amend or revoke a decision made under clause 15.1 of this Bylaw at any time.

~~15.3 Before making a decision under clause 15.1 of this Bylaw, Council must take into account:~~

- ~~(a) whether it is necessary to consult with the public to gauge community views on a proposed skating ban area;~~
- ~~(b) the nature, features, and scale, of the proposed skating ban area;~~
- ~~(c) the problems that have been caused by skating activities in the proposed skating ban area, including the nature and severity of the problems and the times and days that problems have occurred; and~~
- ~~(d) the extent to which the proposed skating ban area may assist in addressing these problems.~~

15.4 No person may ride in or on a skateboard, go-cart, roller blades, roller skates, or similar thing:

- (a) on a public place in a manner that is dangerous or creates a nuisance for traffic or pedestrians;
- (b) on a road or public place during the night; or
- (c) in a skating ban area.

15.5 Clause 15.4 of this Bylaw does not apply to any facilities in a public place, provided by Council, that are for the purpose of riding in or on a skateboard, go-cart, roller blades, roller skates or similar thing.

15.6 No person may organise, hold, or conduct a competition or gathering that involves riding on or in a skateboard, go-cart, roller blades, roller skates, or similar thing on a road or public place without the prior written permission of Council.

15.7 Any person doing an activity under clause 15.6 of this Bylaw must comply with any conditions imposed by Council on its written permission.

16. PLACING CONTAINERS ON ROADS

- 16.1 No person may place or permit another to place a container that is greater than 1.5 metres wide or three (3) metres long on a road without the prior written permission of Council.
- 16.2 Any person doing an activity under clause 16.1 of this Bylaw must comply with any conditions imposed by Council in its written permission.

PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017

16.3 Subject to clause 16.1, no person may place or permit another to place a container that is less than 1.5 metres wide or three (3) metres long on a road unless:

- (a) it is not practicable to place the container on any land owned by that person that is adjacent to the road where the container is placed;
- (b) the name of, and a 24 hour contact telephone number for, the owner of the container are prominently displayed on the container;
- (c) the container does not obstruct any part of a footpath and is at least 15 metres from any corner, intersection, or pedestrian crossing. Council may require this distance to be increased;
- (d) the container has a white face presented to any oncoming traffic, and has a reflector of at least 100mm x 100mm on the corners of the container closest to oncoming traffic ~~any corner of the container facing traffic~~; and
- (e) where there is no illumination by street light the container must not be placed on any road during the hours of darkness unless the corner of the container closest to the centre of the road is fitted with a rearward facing red light visible to approaching traffic from a distance of 100 metres;
- (f)(e) if the container is in a parking space in a coupon parking area, metered parking area, or residents' parking area or an area subject to a time restriction imposed by Council under any enactment, the person has the prior written permission of Council and is complying with any conditions imposed by Council on its written permission.

16.4 In this clause 16, "container" includes a skip bin, bulk bin, or other receptacle for holding litter or other materials, or any pallet load or pile of bulk materials.

17. ADVERTISING ON THE ROAD

17.1 No person may place an advertising sign, notice, or marker on a road so as to:

- ~~(a) cause a safety hazard for traffic or pedestrians;~~
- (b) obstruct or be likely to obstruct pedestrians or traffic or any view of the roadway to the driver of a vehicle that is approaching any corner, bend, rise, dip, traffic island, or intersection unless authorised by Council.

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18. WINDOW WASHERS

18.1 No person may wash or clean the windows or attempt to wash or clean the windows of any vehicle stopped at any intersection or approach to any intersection.

19. BEACHES

19.1 No person may drive, ride or park a motor vehicle on a beach unless:

- (a) it is necessary to do so in order to launch or land a boat at a boat launching area designated by Council resolution; or
- (b) the person has the prior written permission of Council to do so, and complies with any conditions imposed by Council on its written permission.

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- 19.2 Council may give permission under clause 19.1(b) to a person or give a general permission in respect of an event without identifying particular persons.

20. ROAD UPGRADE AND / OR MAINTENANCE WORK

- 20.1 Clauses 20.2 and 20.3 apply if Council intends to undertake road upgrade and / or maintenance work, and a vehicle or vehicles are potentially parked and are likely to impede the works.
- 20.2 No later than 48 hours before work commences, ~~the Divisional Manager – Road & Traffic~~ Council must provide notice of the activity, through residential post boxes or on vehicles parked in the street in which the activity is to take place. The notice will require that vehicles be removed from the road, parking space, building or transport station to allow the upgrade and / or maintenance activity to occur. After issuing a notice, Council will not be required to make any further contact with the owners of the vehicles prior to their removal.
- 20.3 No vehicle may remain parked contrary to a notice issued in accordance with clause 20.2.

21. VEHICLE AND CONTAINER REMOVAL

- 21.1 In addition to the powers conferred on it by any other enactment, Council or an authorised officer may remove or cause to be removed from any road or part of a road or on any piece of land owned or controlled by Council, any vehicle or thing using those places in breach of this Bylaw.

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PART 4 - OTHER

22. DEFENCES

- 22.1 Any person ~~prosecuted for~~ who would otherwise commit an offence under this Bylaw has a defence if the act complained of was done in compliance with the directions of an enforcement officer.
- 22.2 Any person prosecuted for an offence under clauses 8 or 9 of this Bylaw has a defence if the act complained of was done during the loading or unloading of a vehicle in the course of trade, and the vehicle was being used with due consideration for the safety and convenience of traffic and pedestrians.

23. EXEMPTIONS TO THIS BYLAW

- 23.1 This Bylaw does not apply to any person who commits an act that was done in accordance with a valid traffic management plan.

24. FEES AND OFFENCES

- 24.1 Council may, by resolution, prescribe, abolish or amend fees, whether annual, hourly or otherwise as Council may reasonably require for any parking space ~~or~~ parking spaces or permission required under this Bylaw.
- 24.2 Every person commits an offence against this Bylaw who fails to comply with any requirement or restriction imposed by this Bylaw or any resolution made under it.
- 24.3 Council may recover from any person who commits a breach of this Bylaw the appropriate costs in connection with the removal of the vehicle or thing.
- 24.4 Council may, by resolution, prescribe, abolish or amend infringement fines amounts for breaches of this Bylaw or any resolution made under it.

25. RESTRICTIONS BY RESOLUTION

- 25.1 If a prohibition, restriction, control or direction is already provided for in an enactment or Land Transport Rule, a Council resolution is not required.

07 November 2017

File: (17/1708)

Report no: PRC2017/5/293

Public Art Policy and Interim Public Art Guidelines

Purpose of Report

1. The purpose of this report is to ask the Committee to approve
 - a. the draft Public Art Policy;
 - b. the proposed membership of the Public Art Advisory Group; and
 - c. the draft Terms of Reference for the Public Art Advisory Group

Recommendations

It is recommended that the Committee recommends that Council:

- (i) approves the draft Public Art Policy, as attached as Appendix 1 to the report;
- (ii) approves the proposed membership of the Public Art Advisory Group and the draft Terms of Reference for that Group;
- (iii) notes that work is continuing on the Public Art Policy Guidelines;
- (iv) notes that an ongoing Council budget allocation for Public Art (maintenance and acquisition) will be considered as part of the next round of Long Term Plan deliberations; and
- (v) requests that the Community Plan Committee considers this budget allocation for 2018/19.

For the reasons outlined in the report below.

Background

2. Work on the development of a Public Art Policy and Guidelines and the establishment of a Public Art Advisory Group together with Terms of Reference has been discussed by Council since the approval of the Arts and Culture Policy on 2 August 2016.

3. The Public Art Policy is now ready for inclusion in Council's Arts and Culture Policy.
4. No Council division has overall responsibility for the acquisition of Public Art and responsibility for the maintenance of works is shared by Parks and Reserves and the Transport Division depending on the location of the work. Council provides annual funding of \$50,000 per annum to E Tu Awakairangi Public Arts Trust.
5. The Community Plan Committee will be considering an ongoing Council budget allocation for Public Art (maintenance and acquisition) will be considered as part of the next round of Long Term Plan deliberations. As there are existing public art works that required maintenance, the Interim Art in Public Places Guidelines have been developed to assist officers to make decisions about the maintenance of existing public art works and acquisition of new works to enable work to continue until ongoing funding is considered by Community Plan Committee.
6. If ongoing funding is approved, the Interim Guidelines will be reviewed and finalised. If ongoing funding is not approved the Interim Guidelines provide Council officers with some guidance when they are required to address issues associated with the acquisition or maintenance of public art works.

Discussion

7. The development of the Public Art Policy followed on from the completion of the Arts and Culture Policy as during the work on the Arts and Culture Policy public art was identified as an area that was not covered by any other Council policy.

Public Art Advisory Group

8. Having access to a Public Art Advisory Group comprised of people with appropriate expertise is crucial in ensuring that the public can be assured that Council is taking expert advice before making any decision as to whether to support public art projects and to acquire or deaccession public art works.
9. For example, Wellington City Council's Public Art Panel (PAP) is made up of experts in various art fields. Five Council officers sit on the PAP including a representative from the urban design team. At least three members of the PAP are independent. The PAP provides expert advice to guide the development of public art activity in Wellington City. The Chair of the PAP makes the final decision on support provided to projects.
10. The recommended membership for Council's Public Art Advisory Group (PAAG) is attached as Appendix 2 to the report together with the draft Terms of Reference attached as Appendix 3 to the report.
11. The PAAG will deliver impartial expert advice, providing guidance and support to officers and governance at a very minimal cost (approximately \$1000 pa).
12. The PAAG will work with the Chair and members of the Arts and Culture Subcommittee, advising them on public art matters. These recommendations

will not be binding on the Subcommittee. The PAAG will provide the impartial advice and quality information drawn from their knowledge of the latest development in the field of public art, ensuring the Subcommittee can feel confident in making public art decisions.

13. The PAAG will function as a buffer for Councillors in any decisions that have the potential to be controversial or that may offend certain constituents (such as the rejection of a proposal that does not fit with Council's aims and requirements, or the removal of a well-loved artwork that has become too expensive to maintain).
14. The PAAG offers different advice to that which can be sourced from the community in that its members know what public art can do for Hutt City and how to make sure it achieves those goals. Having a body of experts to inform the public art programme means that Hutt City will have access to the latest ideas on how public art can deliver what the community wants and needs from the programme.

Options

15. For the draft Public Art Policy the Committee can:
 - a. approve the draft Public Art Policy for inclusion in the Council's Arts and Culture Policy; or
 - b. approve the draft Public Art Policy with some changes for inclusion in Council's Arts and Culture Policy; or
 - c. not approve the draft Public Art Policy and ask officers to consult with the community before finalising the Policy.
16. For the membership of the PPAG and the draft terms of reference the Committee can:
 - a. approve the PAAG member and draft Terms of Reference; or
 - b. approve the PAAG member and draft Terms of Reference with some changes; or
 - c. not approve the PAAG member and draft Terms of Reference.

Consultation

17. Officers developed the draft Public Art Policy in close consultation and collaboration with the Public Art sector (including working closely with E Tu Awakairangi), mana whenua and the community, both groups and individuals.
18. Considerable consultation, both internally and externally, has previously been undertaken for the Public Art Issues and Options Paper, the Arts and Culture Policy and the draft Public Art Policy and Interim Art in Public Places Guidelines. The policy and recommendations in this report are based on the information gathered in those consultations therefore Officers do not believe that further consultation is necessary.

Legal Considerations

19. There are no legal considerations.

Financial Considerations

20. The Community Plan Committee will be considering the funding required to operationalise the policy and provide for the maintenance of existing and new Public Art works.

Other Considerations

21. In making these recommendations, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that these recommendations fall within the purpose of the local government in that they provide a strategic focus and planning framework for the public art programme, so that public art activities are no longer ad-hoc but carefully planned and administered to deliver to council's goals and the community's needs. This is the most cost-effective approach because it addresses the issue of ensuring that funds are being spent in ways that help ensure the delivery of Council's strategic vision for the city.

Appendices

No.	Title	Page
1	DRAFT Public Art Policy Hutt City	188
2	PAAG proposed members	195
3	Draft PAAG TOR	197

Author: Wendy Moore
Divisional Manager, Strategy and Planning

Approved By: Kim Kelly
General Manager, City Transformation

DRAFT Public Art Policy Hutt City**Introduction - Public Art in Hutt City:**

Hutt City Council's vision is to make Lower Hutt a great place to live, work and play. Council's goal is to make Hutt City a place where people are proud to live, where working and investing is a smart choice, and where there is always something for families to explore.

Public art can and should play an important role in delivering this vision through:

- creating a sense of identity and pride for the City
- attracting innovative thinkers who create opportunity and prosperity generating wealth for the city.¹
- creating destinations and contributing a vital aspect of ensuring the development of world-class public spaces in the city.

Public art attracts creative people and innovators, Public art is an effective means of creating "distinctive and memorable public spaces" and a "character urban environment" to "underpin Hutt City's quality of life and make this an attractive place to for new households and businesses to be"². Public art revitalises urban environments, turning rundown places into vibrant spaces by introducing stunning design and/or creative, generative activity.

Public art is a powerful means to deliver the Leisure and Wellbeing Strategy in that it reduces crime by deterring graffiti and bringing people into public spaces; creates connections and builds understanding between diverse individuals and communities through artworks expressing diverse identities; creates gathering places; fosters and builds positive partnerships, and encourages sustainability (through environmentally engaged artworks). It also encourages people to get out and enjoy their city.

¹ KPMG, Magnet Cities 2015

² Urban Growth Strategy p?

PUBLIC ART POLICY

Defining what Public Art means for Hutt City

Public Art for Hutt City is defined as **“anything made, designed or organised by an artist to physically engage with the city’s material environment”**. This includes permanent or semi-permanent material objects like sculptures and paving as well as works that are durational and evolving and/or temporary, such as projected or inflatable artworks, digital works, plantings, and temporary pavilions or booths.

Public art is a broad field that is continually being redefined by practitioners. This is, therefore, a working definition for Hutt City which reflects the city’s specific situation.

The definition also recognises that currently, Hutt City has a successful Community Art Programme and Participatory Art Festival (Common Ground), both run by the Community Art Advisor. Since the city already has a functional delivery mechanism for event-based participatory art, it is not included in the definition or the policy. These aspects of the City’s art programme will continue to be delivered within the Community Art programme.

However, the City does not currently have an internal process to support, guide and drive the development of public artworks that are:

- integrated into architecture and infrastructure,
- freestanding sculptures,
- mural artworks that are not community projects,
- and other types of public art that engage directly with the material fabric of the city.

This definition and policy therefore focusses on these aspects of public art, which can be considered collectively as artworks that physically engage with the city’s material environment.

It is anticipated that some works will sit between the event-based artworks that come under the Community Art Programme, and the materially-focussed works of the public art programme. In these cases, a decision will need to be made to either collaborate or identify which programme is better suited to manage the project.

<p>Community Art:</p> <p>Art made by members of the community, usually but not always facilitated by a professional artist, AND</p> <p>Event-based participatory art, such as that delivered through the Common Ground festival format.</p> <p>Temporary works that consist primarily of the event in which the public participates, with the artwork consisting of the experience of participating. Any material outcomes from the artwork are secondary to the public's participation.</p>	<p>Public Art:</p> <p>Art that engages with the material fabric of the city.</p> <p>May also be participatory and experiential, but will be so through a material object or interface, i.e. a garden, a sculpture, an artwork painted on a building, a projection, a digital recording and its user-interface.</p> <p>Can be of any duration.</p> <p>Is site-specific.</p> <p>Engages with urban and/or natural/park contexts.</p>
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This structure fits well with Council's current structure, as works with material results or interfaces require different project management from events. Participatory Art and Community Art share aims and processes and use the same resources, so are a good fit. Materially-based art is a different specialty from event-based participatory art, and requires different processes and skills from both artists and facilitators.

This definition moves away from quality-based definitions of public art and community art, as all art supported and produced by council should be of high quality and have integrity. Traditional definitions of community art pigeonhole it as poor quality. This policy recognises that community art and public art are on the same level, reflecting contemporary practice that values participatory art highly.

The definition also shifts away from aesthetic-based definitions, as there is room for things to not be aesthetically pleasing but have other forms of integrity, such as conceptual integrity; i.e. a market garden in the CBD with produce going to needy families.³ Material objects can offer excellent experiences without being aesthetically pleasing.

Vision:

A public art programme that transforms the city, celebrates and reflects the city and its people, and engages everyone who lives or visits here.

Outcomes:

Public art transforms and revitalises the city:

Public art contributes to the creation of spaces that are great to be in within Hutt City. It is integrated into the City's urban and natural environment, and contributes to urban design outcomes. It brings meaning and interpretation to the environment, adding richness and interest to the urban experience. It brings beauty and/or atmosphere to the city.

³ An exemplary example of a market garden as an artwork is Amy Franceschini's Victory Gardens, in which the artist developed land in front of San Francisco's City Hall into a food production area in an initiative that has now grown to include private gardens and rooftops.

Public art development is focussed in areas where it will make the most difference to the city and its people, and implemented strategically to ensure that maximum impact is delivered at all stages of the programme.

Public art reflects and celebrates the city and its people:

Public art draws attention to what's here. It showcases Hutt City's achievements and special qualities, local communities, Maori culture, STEM, local initiatives and talented people in diverse specialties, as well as the City's history and its natural beauty. Public art contributes to local pride and a sense of identity for Hutt City.

Public art may also challenge the community to address issues, to get involved, to do things differently, or to solve social or environmental problems. It celebrates the everyday as well as the spectacular.

Public art is site-specific and responsive to its environment.

Public art celebrates Hutt's Maori culture and history and helps make it a highly visible part of the city.

Public art engages everyone that lives in and visits the city:

Public art encourages curiosity and wonder, and delivers amazing experiences. It brings new ideas to Hutt City's diverse communities and entertains and/or challenges locals and visitors to move out of their comfort zone, to learn, and to connect to each other. It connects sources of expertise with communities in which there is a need to meet, or a spark of interest and enthusiasm to encourage.

Everyone that lives and visits here has the opportunity to enjoy Hutt City's public art because it is concentrated in places that people use most, and distributed across the city.

Hutt City's public art is interactive, exuberant, educational, scientific. A focus is engaging disadvantaged communities in aspirational, inspiring, extending or transformational experiences.

The Public Art Programme

Public art in Hutt City will be approached as a programme rather than as separate, disconnected projects. A programme approach allows a strategic approach to public art that unfolds over time to become comprehensive.

All artworks in the programme:

- Are aspirational and inspiring. They are of high quality, whether they are produced by emerging or mid-career artists.
- Are site-specific. They are made specifically for their site, and engage with that site in their content and/or design.
- Improve the city. They may create an attractive environment; celebrate the city and its people and thereby create a sense of pride and ownership; encourage action that creates positive change; or encourage residents and visitors to engage with their local environment in enjoyable or productive ways.

Artists may be local or based in other places: exposing local practitioners to outside expertise is valued alongside the need to reflect local practices.

Focus areas for the programme are artworks that deliver the Outcomes in that they *Transform*, *Reflect*, or *Engage* the City. These three Outcomes represent strands of the programme as well as overarching goals. Works may reflect one or several of the three focus areas, but the programme as a whole should address all of them in order to deliver the Vision.

Transform:

Artworks in this strand will be highlights or points of exquisite detail within the urban environment. They may be architectural, integrated, freestanding, skins, inflatables, light works, high impact or revealed slowly and subtly. They may function as seating, planting or lighting, for example, or they may simply be artworks that stand alone or inhabit a surface in the city. They will help deliver Council's plans to revitalise the City, including the suburban Hubs, Making Places, Riverlink, and Petone 2040.

Celebrate and Reflect:

Artworks may focus on the beauty of the ordinary, and celebrate things that may not normally be noticed or valued. They may draw attention to aspects of the city to celebrate, or to aspects that might benefit from change. If the latter, they focus on ways this positive change may be achieved.

Artworks may tell stories about local people and histories, or may showcase local technological innovations. Works may be Maori, STEMM-related, site specific, digital, or informational.

Artworks that are site-oriented; that turn viewers/participants towards a greater awareness of, and engagement with, the surrounding environment are particularly valued.

Engage:

Artworks may be interactive, experiential, scientific, educational, amusing or challenging. They may facilitate the greater understanding of one community group by others, and be a vehicle for the sharing of knowledge and world views. They may offer sensory experiences or opportunities to get involved in improving the local urban and/or natural environment.

Sites/Plan:

In the coming five to ten years the city's public art activity will follow the council's Strategic Plan in focussing in the following areas and sites:

1. The CBD
2. Suburban Community and Sports Hubs
3. Petone

This focus is intended to fit with Council's overall strategic focus for its revitalisation projects. The focus on the CBD and Petone reflects the Urban Growth Strategy's focus on these areas, and its goal of "thriving and distinctive centres that anchor Hutt City". This goal states that "The Central Business District and Petone are recognised as the heart of the city, anchoring our sense of place and are regionally significant centres of commerce and great living" (UGS 2012-2032). Suburban and community hubs is an area of focus for Council's activity which is prioritised in the Leisure and Wellbeing Strategy 2012-2032. These hubs are a central to their suburban communities and ideal sites for art.

Public Art will work in closely with Urban Design, Parks and Gardens, CFT and Council Projects to ensure artworks are successfully integrated into development projects.

Map of CBD sites

Map showing Hub locations

Map of Petone sites

Note: Sites are identified as general areas on these maps because it is best to allow a wide scope as to what aspects of an area artists can engage with in their proposals, rather than defining specific sites in advance of knowing what form the artworks may take. For example, assigning a site on the corner of two streets as a place for an artwork to be developed means that artists are unlikely to propose works that spread to a wider area, such as a linear work that may spread along several blocks. You are much more likely to end up with a traditional freestanding sculpture if you define specific sites in advance, cutting out other, potentially more innovative and effective options.

Riverlink

Public art will be an essential part of the Riverlink project as public artworks are a necessary feature of quality urban design. Public art will contribute to the world-class aspect of the project, delivering focal points and integrated details that add meaning and aesthetic appeal to the environment. Public art can help ensure that Riverlink has a high level of ownership and engagement from the community by representing local stories, achievements, and histories that may be displaced by the development. It can also encourage playful engagement through interactive works that are also aesthetically attractive.

Riverlink's public art works should be instigated as soon as possible, as it is best for artworks to be integrated from the project's outset, rather than tacked on at the end and limited to fitting into spaces that are left for it in the design process. Public artworks can take many forms in projects such as this, including plantings, seating, paving, pavilions, and other integrated design elements. The best results will be achieved from incorporating art when there is still room for it to take innovative forms and engage on a variety levels.

Hubs

Hutt City's Hubs are intended to bring together the arts and sports. Sports facilities are great places for people who may not normally engage in art or cultural pursuits to experience art that may exceed their previous or everyday experience alongside artworks produced by the local community (Community Art).

Strategic links

The public art policy is part of the Arts and Culture Policy. It fits under An Integrated Vision for Hutt City, The Leisure and Wellbeing Strategy 2012-2032, the Urban Growth Strategy 2012-2032, and the Environmental Sustainability Strategy and the Infrastructure Strategy.

The Public Art Policy also has key strategic links to CBD Making Places, the Riverlink Plans and Petone 2040, as public art will be an important aspect of those projects.

Governance

The Arts and Culture Subcommittee (ACS):

The Arts and Culture Subcommittee will be the point of contact between Council and the public art programme. Funding requests for individual projects and the programme will go to the ACS for

consideration in the first instance. The ACS will make recommendations to Council on public art funding decisions when required.

The Public Art Advisory Group (PAAG):

The PAAG is a group of expert advisors who provide sound, expert advice to enable Council to deliver an effective, quality public art programme.

The PAAG will assist Council in planning and developing the public art programme. Artist selection will be undertaken or approved by the PAAG.

The group is an advisory body rather than a decision-making body; it will make recommendations to the Arts and Culture Subcommittee, council officers and, where requested, Council itself. It will meet as required.

Hutt City Public Art Advisory Panel: Proposed Members DRAFT**1. Bronwyn Holloway-Smith**

Bronwyn Holloway-Smith is an award-winning artist and researcher based in Wellington. She has served the New Zealand arts sector in several roles, including sitting on the Enjoy Public Art Gallery Trust from 2008-2012; working as Project Coordinator for the widely acclaimed One Day Sculpture public art series in 2008-2009; and being Director of the Creative Freedom Foundation from 2008-2014. She is the Project Director of the E. Mervyn Taylor Mural Search & Recovery Project at Massey University College of Creative Arts (<http://murals.nz>), which has led her to initiate a project to establish a New Zealand Public Art Register.

As an artist, she has over a decade of experience working on projects that engage the public. Of particular note is her ongoing project "Pioneer City", originally developed with public art commissioning body Letting Space. An aspect of this series won her the New Zealand National Contemporary Art Award in 2015. She has also won the bi-annual New Zealand Open Source Arts Award twice: once in 2010 for Ghosts In The Form Of Gifts and again in 2012 for Whisper Down The Lane.

Bronwyn has a strong connection to the Hutt Valley - she was born there, grew up in Petone, and her family still resides in the area.

<http://bronwyn.co.nz>

2. Erika Duthie

Erika Duthie is a public artist based in Hutt City. For over 20 years she has been working nationally and internationally, self-producing large scaled ephemeral public artworks. She is best known for her whimsical tape murals that mix researched site-specific social history and live improvisational drawing in collaboration with partner Struan Ashby. She also co-creates multi-disciplinary figurative art installations that often include drawing, sound, moving image and 3D built elements as part of exhibitions, festivals and conferences.

Erika has performed several advisory roles in the Public Art sector. These include: public art advisor for E Tu Awakairangi Public Art Trust; selection panel for Common Ground Hutt Public Arts Festival; mentor for Access Aotearoa and Hutt Community Art Network; assessor for Creative Communities Lower Hutt; artist/presenter and panelist in a series of national and international art, public art, visual methods & education conferences.

As an educator, Erika led the Wellington Institute of Technology's public art & drawing programme (2000-2002), New Zealand's first tertiary level public art programme.

3. Melanie Oliver

Melanie Oliver is the Senior Curator at the Dowse. Prior to joining the Dowse in 2016, she was the Director of The Physics Room, and held curatorial roles at the Govett-Brewster Art Gallery in New Plymouth and Artspace Sydney. She has an interest in public art and has undertaken curatorial roles in public art projects for One Day Sculpture and the Liverpool Biennial City States programme, as

well as in gallery projects for RAMP Gallery, ST PAUL St Gallery and RM gallery. A frequently published writer and regular speaker on the visual arts, Melanie also has an interest in the educational potential of cultural institutions, furthered by a period spent at the National Library of New Zealand.

4. Christine Atanoa Fagan nee Puketapu (Te Atiawa)

Christine represents Te Atiawa in art matters at Council. She has strong connections with Te Atiawa professional artists, knowledge of a range of artistic mediums including clay, and has experience in both teaching and making art. She also has connections to the Cook Island community.

5. Walter Langelaar

Walter Langelaar is an artist and public space activator from the Netherlands who is currently based in Wellington. He has international and local experience in public art as both a producer and a coordinator. Walter is interested in how rundown and unused urban and suburban spaces can be activated by art.

Currently Programme Director, Media Design at Victoria University of Wellington, Walter previously worked as *Media* programme director Rotterdam-based arts podium [WORM](#), *Institute for Avant-Gardistic ReCreation*, organizing various [events, exhibitions, workshops, and parties](#) relating to the (post-)digital avant-garde and its critics. He cofounded and ran WORM's medialab and *hackerspace avant la lettre* moddr from 2007 till 2013. More recently, his long-term interest in the access to and re-use of vacant space in our urban environments has led to his current position on the advisory board of Wellington's [Urban Dream Brokerage](#).

6. Mark Amery

Mark Amery was previously director of Playmarket and is well known as an arts writer, developer and commentator. He has a particular interest in expanding the public commons and community involvement, from both a professional media and contemporary art perspective. Mark was part of the curatorial team at City Gallery 2000-2002, involved as a curator and editor on numerous projects, and formerly worked at New Zealand International Festival of the Arts and Artspace. He has extensive experience as an arts manager, curator, writer and editor. He was previously a member of the Wellington City Council Public Art Panel 2006-2012 and a board member of Kapiti Coast's Mahara Gallery.

Mark has worked on several public art projects in Hutt City, including those in the 2017 Common Ground public art festival.

DRAFT TOR: Hutt City Public Art Advisory Group**Public Art in Hutt City:**

Hutt City Council's vision is to make Lower Hutt a great place to live, work and play. Our goal is for Hutt City to be a place where our people are proud to live, where working and investing is a smart choice, and where there's always something for our families to explore.

Public art can and should play an important role in delivering this vision. Public art can help create a sense of identity and pride for the City; it can attract innovative thinkers who create opportunity and prosperity; it creates destinations and is a vital aspect of world-class public spaces. Public art is essential to revitalisation strategies like Making Places as well as being a key tool for delivering Leisure and Wellbeing.

Purpose:

The purpose of the PAAG is to provide advice which will help council and its officers deliver an excellent public art programme for the city. The PAAG will be an important source of vision for what can be achieved in Hutt City with public art. They will bring in innovative ideas and approaches informed by their extensive knowledge of public art.

The Public Art Policy will be the key guiding document for the PAAG. Other key documents include:

- Arts and Culture policy
- CBD Making Places
- The Integrated Vision for Hutt City
- The Urban Growth Strategy
- The Leisure and Wellbeing Strategy

Responsibilities:

The key responsibility of the PAAG is to provide sound, expert advice to enable officers and councillors to deliver an effective, quality public art programme.

The group is an advisory body rather than a decision-making body; it will make recommendations to the Arts and Culture Subcommittee, council officers and Council itself.

The PAAG will:

- Assist in developing Council's Public Art Policy;
- If a public art programme is developed, work with the Arts and Culture Subcommittee and appropriate Council officers to:
 - o set strategic priorities and goals for Public Art in Hutt City;
 - o identify potential public art projects, sites and opportunities;
 - o evaluate projects, sites and opportunities against each other and prioritise them to deliver an effective, targeted programme that unfolds strategically in time;
 - o identify potential artists, and/or artist recruitment methods;

- provide feedback on project briefs and proposed artists or artist recruitment methods for major projects;
- assess artist's proposals for major Council and E Tu Awakairangi art projects and provide recommendations regarding artist selection;
- Liaise with E Tu Awakairangi, Hutt City's Public Art Trust:
 - Providing information about the strategic direction of the public art programme once developed;
 - Identifying priority sites and opportunities; and
 - Giving feedback on their proposed projects, project briefs, and proposed artists or artist recruitment methods regarding their fit into the strategic programme.
- Where appropriate, work with the Arts and Culture Subcommittee to develop requests to Council for public art funds;
- Provide recommendations to the Arts and Culture Subcommittee as to when a work should be deaccessioned in accordance with a deaccessioning policy (to be developed);
- Provide recommendations to the Arts and Culture Subcommittee as to when a gifted artwork should be turned down in accordance with a gifting policy (to be developed);
- Work towards developing a public art programme for Hutt City that draws on the full range of possibilities represented by contemporary public art as appropriate, including but not limited to:
 - Artworks integrated into the fabric of the city (paving, seating, lighting, etc);
 - Freestanding artworks (primarily to be delivered through E Tu Awakairangi, Hutt City's Public Art Trust);
 - Temporary and event-based artworks;
 - Object and action based artworks;
 - Digital artworks; etc.
- Direct the programme towards artworks that are site-specific and/or fit for purpose rather than artworks that are pre-made for a generic site or situation; and
- Focus on public art (art made by professional artists for public spaces) rather than community art (art made by non-professionals).

In making their recommendations, the PAAG will:

- Consider the city's cultural and sociopolitical makeup; and
- Consider the need for tangata whenua to be represented.

Members will declare any conflict of interest and sit out of any discussions and votes relating to the conflict of interest.

Membership:

- The PAAG has between 7 and 9 members.
- All members will all have expertise and/or experience in public art (except for one councillor); and have an interest in or connection to Hutt City.
- At least two members will be local; at least one of these will be tangata whenua.
- Expertise will be brought in from outside the Lower Hutt region as required, to bring expertise that is not locally available into the city and upskill local representatives.
- A chair will be elected by the group biannually.
- Membership will be for two years with an option for renewal for a further three years.
- Potential new members will be proposed by the sitting PAAG, the Arts and Culture Subcommittee and the appropriate Council officer, who will assemble a final list for sign off by council. Expressions of interest may be called for, with applications to be assessed by the panel and/or the appropriate Council officer.
- New members may be brought in as needed. Council reserves the right to bring in extra expertise as it sees fit in addition to those proposed by the panel.
- Council and the Chair may ask members to leave if they are not contributing to the responsibilities identified above.

Meetings:

- As required up to a maximum of 6 per year.
- Members should attend all meetings and submit apologies if they are not available.
- Meeting expenses will be paid for at a standard meeting rate of \$60 after tax er meeting

06 November 2017

File: (17/1699)

Report no: PRC2017/5/287

Development Contributions Policy Review for 2018-2028 Long Term Plan

Purpose of Report

1. The purpose of this report is to advise the Committee of changes required to Council's Development Contributions Policy and ask the Committee to recommend to the Community Plan Committee that the Development Contributions Policy be consulted on as part of the Long Term Plan consultation.

Recommendations

It is recommended that the Committee recommends that Council:

- (i) notes the issues to be addressed and the changes that will be made to the Development Contributions Policy for the 2018-2028 Long term Plan;
- (ii) notes this information about the changes will be made publically available via the Long Term Plan;
- (iii) recommends to the Community Plan Committee that the Development Contributions Policy be consulted on as part of the Long Term Plan consultation; and
- (iv) notes that any changes to the information provided in the report (and its attachments) resulting from consultation in 2018 will be considered by Council for final approval, before a new Policy is released by 30 June 2018.

For the following reasons:

- a) the noted changes need to be made to ensure that Council complies with the requirements of the Local Government Act 2002 vis a vis Development Contributions;
- b) the Development Contributions Policy must be consulted on as part of the Long Term Plan; and
- c) notes that the Development Contributions Policy is being updated to reflect current growth and capital expenditure on network infrastructure

in the Long Term Plan

Background

2. The purpose of development contributions is to enable territorial authorities to recover from those persons undertaking development a fair, equitable, and proportionate portion of the total cost of capital expenditure necessary to service growth over the long term. To be able to charge development contributions the council must have a Development Contributions Policy.
3. Councils are required to ensure that their Development Contributions Policies are up to date and are compliant with the requirements of section 106 and contain the information required by section 201 of the Local Government Act 2002 (LGA). The Council's policy is currently compliant but needs updating due to the passage of time, new developments, population growth changes and infrastructure capital expenditure.
4. If financial contributions are required the provisions (in the District Plan) relating to these must be summarised in the Development Contributions Policy.
5. In 2014 Council undertook a significant review of its Development Contributions Policy to ensure the policy complied with the 2014 legislative changes governing development and financial contributions and consulted on these via the 2015-2025 Long Term Plan.

Discussion

6. The Development Contributions Policy should be reviewed every three years to ensure that it still complies with the LGA and is up to date to ensure the development contribution charges capture the costs of growth over time. Council engaged the consultant who assisted Council with its 2014 review to assist with this review.
7. The following work will be undertaken to prepare the policy for consultation with an updated schedule of charges :
 1. Update the Asset Schedule in the Policy to include new planned growth projects identified in the Long Term Plan;
 2. Update the financial model include new planned growth capital expenditure identified in the Long Term Plan and update financial factors in the model such as the cost of capital and updated actual and estimated costs for the projects in the Asset Schedule;
 3. Update the units of demand (Equivalent Household Units) and relevant conversion factors (e.g. Commercial m² to EHU).
 4. Update the definition of "Development" in the policy.
8. A decision needs to be made on whether Council should cost the upgrades to assets required as a result of Plan Change 43 and include these in the Policy. This will be discussed with the CFO and Asset Manager as the AMP may be needed to be updated.

General comments

9. The link between the District Plan and the Development Contributions Policy with respect to Financial Contributions needs clarification to remove any potential conflict.
10. Improvements need to be made to the three waters financial contributions to ensure that the detail is equivalent to the detail required for traffic impacts
11. Need to ensure that Financial Contributions meet requirements under s108 of the RMA.
12. The issue with Financial Contributions is that they will expire in five years yet they include new planned growth projects capital expenditure identified in the Long Term Plan in five years. Provisions will need to be made for these in the Development Contributions Policy.

Policy

13. Reviewing the policy to ensure that:
 1. EHU (Equivalent Household Unit) factors are still relevant;
 2. assessment guidelines are still in line with the model being used to calculate development contributions ;
 3. the definition of development aligns with the definition in the LGA; and
 4. sections 10 and 11 are updated
14. The Committee has the authority to approve (or otherwise) information for consultation purposes. Council sign-off of any policy changes which are to be made as a result of public consultation will take place at a Council meeting in 2015.
15. The updated Development Contributions Policy will be included for consultation in the Long Term Plan 2018-2028.

Relationship between financial contributions and development contributions

16. The development contributions policy is distinct from and in addition to the provisions in the District Plan that provide Council with the discretion to require financial contributions under the RMA.
17. Development contributions are used to help fund planned and budgeted capital expenditure related to growth. Financial contributions are required for reserves and for where individual developments give rise to capital expenditure that is not included in the LTP, and therefore that expenditure is not included in Council's development contribution policy. In these cases, Council may impose a financial contribution as a condition of resource consent.

Options

18. The Committee can approve the changes described above and direct officers to prepare the policy for consultation as part of the Long Term Plan or ask

officers to submit the reviewed policy to its meeting in February 2018 for approval.

Consultation

19. Consultation will take place as part of the Long term Plan 2018-2028.

Legal Considerations

20. The Development Contributions Policy must comply with requirements in the LGA.

Financial Considerations

21. The Development Contributions Policy provides Council with a method to fund planned infrastructure required as a result of growth, such as subdivision or workplace building developments.

Other Considerations

22. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of the local government in that it enables Council to meet its obligations vis a vis development contributions under the Local Government Act 2002.
23. It does this in a way that is cost-effective because it ensures that developers only contribute to growth where new or additional assets or assets of increased capacity are required as a consequence of their development.

Appendices

There are no appendices for this report.

Author: Wendy Moore
Divisional Manager, Strategy and Planning

Approved By: Kim Kelly
General Manager, City Transformation

06 November 2017

File: (17/1704)

Report no: PRC2017/5/292

Significance and Engagement Policy 2018

Purpose of Report

1. The purpose of the report is to ask Council to adopt the Significance and Engagement Policy.

Recommendations

It is recommended that the Committee recommends that Council:

- (i) notes that nothing major has occurred or changed to warrant a review of Council's Significance and Engagement Policy ; and
- (ii) agrees that the Significance and Engagement Policy, attached as Appendix 1 to the report, adopted as part of the 2015-2025 Long Term Plan, continues to represent how Council will go about assessing the importance of matters and how and when the community can expect to be consulted on both.

Background

2. Parliament passed amendments to the Local Government Act 2002 (section 76AA) which affected how Council decides whether or not a decision is significant and then how it engages with the community as part of the decision making process. Council consulted on its new Significance and Engagement Policy (SEP) in late 2014 and approved it in November 2014 as the first SEPs had to be in place by 1 December 2014.

Discussion

3. A SEP is a device for letting the public know what decisions or matters the Council and the community consider to be particularly important, how Council will go about assessing the importance of matters and how and when the community can expect to be consulted on both. It replaces and extends the Significance Policy formerly required under section 90 of the Local Government Act (the Act). [SOLGM Guidelines August 2014].
4. Amendments elsewhere in the Act provide a degree of flexibility in how and when local authorities consult on a range of decisions taken under that Act.

The SEP is the partner to the greater flexibility in that the policy advises the public of the “house rules” – that is how Council will utilise the flexibility.

5. Since that time, nothing major has occurred or changed to warrant a review of Council’s Significance and Engagement Policy. Officers consider that the current policy still meets legislative requirements and provides the people in the community with the information they require to understand how Council will go about assessing the importance of matters and how and when they can expect to be consulted on both.
6. Council’s assessment of significance is important because it drives the way Council makes decisions and what analysis and community engagement is required during the decision making process.
7. Section 79 of the Act enables Councils to exercise their discretion about how to comply with the Act in proportion to the significance of the matter or decision, including the following:
 - a. The degree to which a local authority identifies and assesses options in respect of each decision or matter (including identification of costs and benefits);
 - b. The extent and detail of any information to be considered; and
 - c. The extent and nature of any written record to be kept of the decision.

Consultation/Engagement

8. Engagement is a wider concept than consultation. Consultation is one of a suite of tools. The new SEP looks at community engagement from the perspective of whether a decision is of little or great importance and then considers the level and method of engagement necessary as the significance of the decision grows.
9. Officers also have the Community Engagement Guidelines developed to assist them to select the right approaches for engagement depending on the issue and the people involved.
10. The SEP also sets out what methods Council will invite or accept when offering the community the chance to present views and how it intends to give effect to the requirement that an opportunity be given for spoken/sign language interaction.
11. Council will make sure that those who require spoken/sign language interaction have this service available through liaising with the Council’s Accessibility and Inclusiveness Plan Advisory Group and non-government organisations that provide sign/spoken language services.

Significance and Engagement Policy

12. The SEP is attached as Appendix 1 to the report.

Options

13. Council can either agree that the current SEP continues to fairly represent how the Council will let the public know what decisions or matters the Council and the community consider to be particularly important, how Council will go about assessing the importance of matters and how and when the community can expect to be consulted on both **OR** direct officers to review the SEP.

Consultation

14. If Council decides that the current SEP continues to fairly represent how the Council will make significant decisions officers recommend that this be noted in the Long Term Plan and people given the opportunity to consider it and comment through the LTP process.
15. If Council direct officers to review the SEP then this should be completed outside the LTP process as it is not a legislative requirement that the SEP be reviewed as part of the LTP.
16. The SEP continues to be available on the Council web site.

Legal Considerations

17. The Council's assessment of significance can be contested in court. This usually happens as part of a wider challenge to council's decision making. The courts may (and have) overturned council decisions for non-compliance with the council's own significance policy. Council's assessment of the significance of a particular decision or issue is also open to judicial review.
18. Council can make a decision contrary to its policy provided it follows the process set out in section 80 of the Act. Use of this should be limited to exceptional cases as regular use risks a loss of credibility with the community and could be read as a signal that something is wrong with the SEP.

Financial Considerations

19. There are no financial considerations.

Other Considerations

20. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of local government in that it complies with the Local Government Act requirement that Council develops, consults on and adopts a Significance and Engagement Policy.

Appendices

No.	Title	Page
1	SIGNIFICANCE AND ENGAGEMENT POLICY 2018-2028	208
2	Community Engagement Strategy 2011	215

Author: Wendy Moore
Divisional Manager, Strategy and Planning

Approved By: Kim Kelly
General Manager, City Transformation

SIGNIFICANCE AND ENGAGEMENT POLICY

The Significance and Engagement Policy:

- sets out the general approach Council will take to determining the significance of proposals and decisions relating to issues, assets or other matters; and
- provides clarity about how and when communities can expect to be engaged in decisions about different matters depending on the degree of significance the council and its communities attach to those matters.

1. OBJECTIVE

All decisions Council makes must be made in accordance with the decision-making requirements of the Local Government Act 2002 (set out in sections 76AA-81). Council must also ensure that the community gets every opportunity to engage with the decision making process particularly in cases where the decision being made is significant and may be a material departure from existing policy.

Council must make a judgement about how to comply with the Act in a way:

- that reflects the significance or materiality of the matter under consideration; and
- enhances the community's ability to engage.

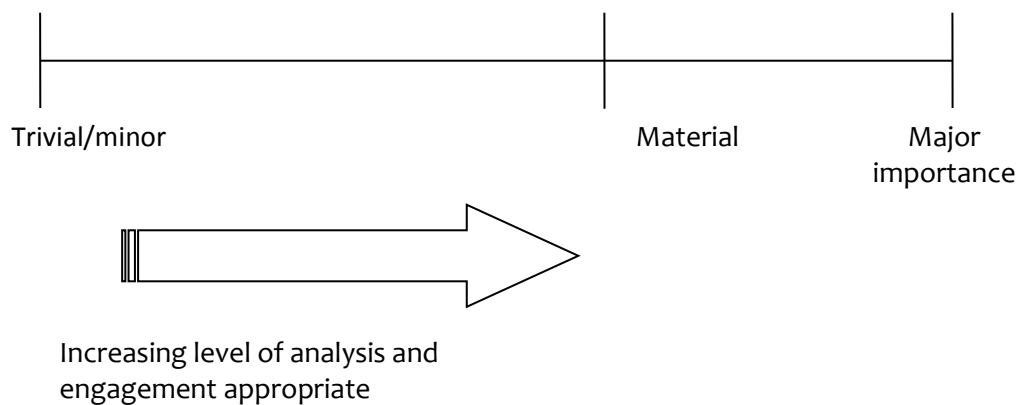
This policy explains Council's approach to determining the significance or materiality of a decision and lists the thresholds, criteria and procedures that Council and its community will use in the assessment.

2. INTRODUCTION

The Local Government Act 2002 (the Act) sets out the framework for Council's consultation and decision-making processes. Significance is a key concept in this framework. The term significance, as used in the Act, is defined in Section 5 of the Act.

A decision about issues, assets and other matters is significant if it will mean a material departure from existing policy. A difference or variation is material if it could, itself or in combination with other differences, influence the decisions or assessments of those reading or responding to the engagement document.

The type of decisions a Council and its community must make can range from those that are trivial in nature to those that are of major importance. The Council must decide where in the range of trivial to very important a decision sits and what level of analysis and engagement is appropriate every time a decision is made.



The significance (materiality) range has a threshold at which point decisions are deemed to be 'significant'. If an issue requiring decision is determined to be 'significant' the council will:

1. Undertake community engagement responding to community preferences for engagement and clearly identifying why, how and when the community can expect to be engaged with using the **Special Consultative Procedure** (see Section 83 of the Act).
2. Ensure that every decision complies with the decision-making requirements set out in Sections 76AA - 81 of the Act.).
3. Take into account the relationship of Maori and their culture and traditions, if any of the options involves a significant decision in relation to land or a body of water Section 77 of the Act).

The Significance and Engagement Policy and the supporting information contained in Council's Community Engagement Strategy, gives Council guidance on what consultation processes should be followed in relation to a particular decision. The Council's 'Guide to Good Decision Making' provides further assistance as to what analysis is appropriate given the significance and nature of a decision. Even where Council thinks that a particular decision does not reach the 'significant' threshold, they may still choose to adopt the Special Consultative Procedure.

3. APPROACH TO DECISION-MAKING AND SIGNIFICANCE

Determining significance

A significant decision is one that has a high degree of significance in terms of its impact on

- the wellbeing of Hutt City and/or
- persons likely to be affected by or with an interest in that decision and/or
- the costs to or the capacity of the Hutt City Council to provide for the wellbeing of the city.

When considering the significance of a proposal, decision or other matter, the Council will use the following threshold and criteria: (Note: it is the cumulative effect of all these criteria that determines the overall significance of a matter).

- The extent to which the matter flows logically and consequentially from a significant decision already made or from a decision in the LTP or the Annual Plan.



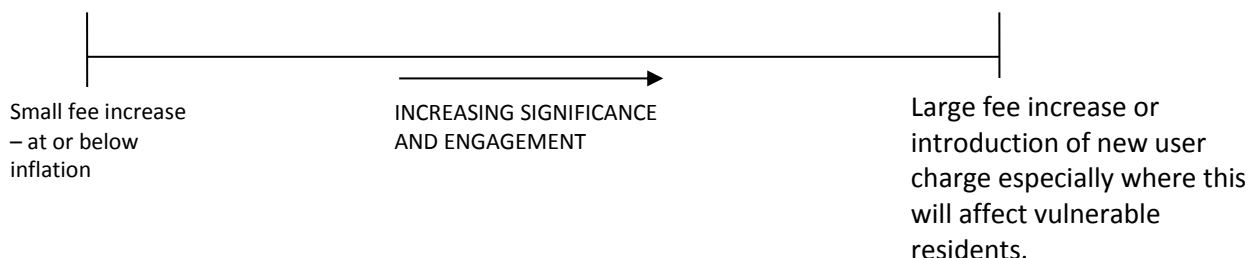
- The extent of the matter in terms of its net cost to the Council. Where a decision has not been highlighted through the LTP or Annual Plan, a decision involving a change in spending of more than 10% of the planned capital expenditure for capital items or 5% of the planned operating expenditure for operating decisions will be considered significant.



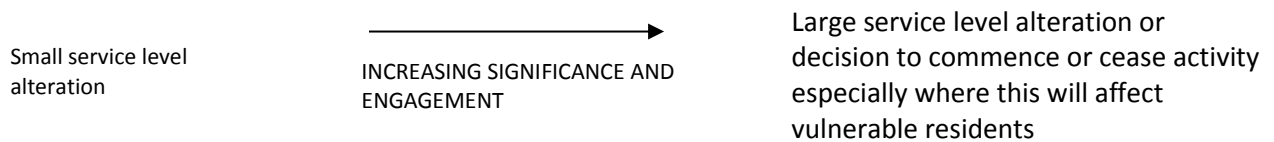
- The transfer of ownership or control, or the disposal or abandonment of a Strategic Asset as a whole as defined by the LGA or listed in section 5 of this policy will be considered to be significant. The degree to which transfer of ownership or control, or the disposal or abandonment of a part of a Strategic Asset undermines the integrity/functioning of the asset as a whole or restricts the networking utility of the asset will also be considered.



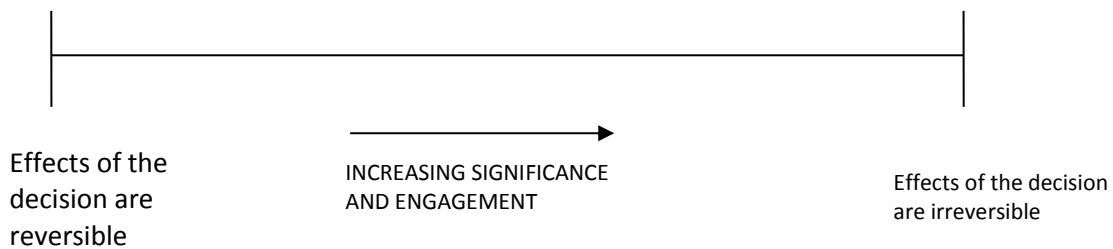
- The matter includes consideration of a large increase in user fee or the introduction of a user fee for a service that has previously been provided free of charge.



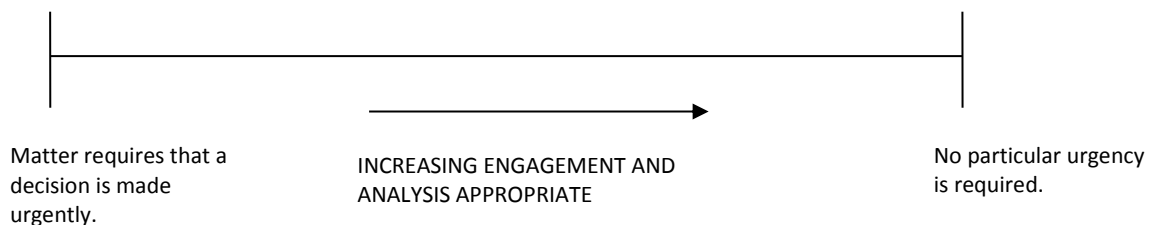
- The matter includes consideration of an alteration to the intended level of service provision for any core Council activity, including a decision to commence or cease any such activity.



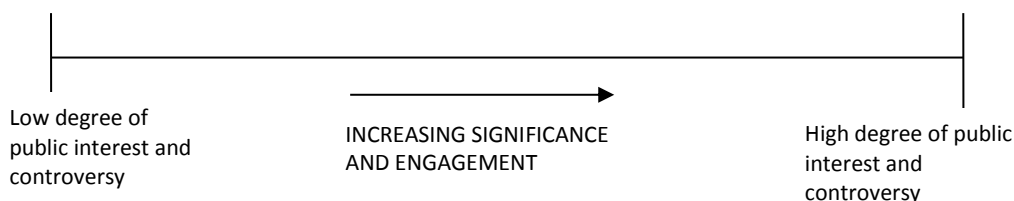
- Reversibility and Intergenerational equity. The more irreversible the effects of a decision the more significance it has - particularly where the decision involves the unsustainable use of resources and so reduces the right of future citizens to inherit the same diversity of natural and societal resources enjoyed by current citizens. **This includes the cumulative effects of previous decisions and their impact on irreversibility and intergenerational equity.**



- Practicality. The Act provides for Council to take into account the circumstances under which a decision is taken and what opportunity there is to consider a range of options and the views and preferences of other people. In circumstances in which failure to make a decision urgently would result in the loss of opportunities which are assessed as able to contribute to achieving the community outcomes, then Council will tailor its decision making processes to allow as much evaluation and engagement as is practicable while working within the required timeline.



- The extent to which the matter under consideration is of public interest or controversial within the community.



Procedure

All reports to Council will include an assessment of the significance of the report's recommendations and the level and type of engagement required to ensure that the community gets every opportunity to engage with the decision making process particularly in cases where the decision being made is

significant and may be a material departure from existing policy. A statement showing how the Council has (or will) appropriately observe(d) the Act, with regard to the appropriate degree and form of engagement and analysis, will also be included.

If the recommendations are considered to be above the 'significant' threshold, an external peer review will be sought to confirm that the decision-making process undertaken is in accordance with the decision-making requirements set out in ss76AA to 81 of the Act.

4. ENGAGEMENT

In 2011 Council consulted on its Community Engagement Strategy (CES) and received positive feedback on the proposed approach. The CES was subsequently approved by Council as part of the 2011 Annual Plan.

The CES covers:

Interaction between Hutt City Council and the community undertaken for democratic decision making

Ongoing engagement with the community in the spirit of partnership.

It outlines Council's community engagement philosophy and commitment to the community and summarises:

- Our community engagement goals
- The main types of community engagement Council undertakes
- How community engagement relates to the decision-making process and how Council considers how to involve the public in decision-making
- Our approach to community partnerships
- Our commitment to engaging Maori as a Treaty partner
- Key opportunities for improving our community engagement

Community engagement is much broader than consultation, although consultation is encompassed within it. Community engagement includes the full range of community participation in decision-making- from being provided with information only right through to Council supporting community initiatives. The different degrees of community engagement relate to the extent that decision-making powers (and implementation) are devolved to the community, or conversely, held with Council.

At a high level, there are five main types of community engagement that Hutt City Council undertakes with the community. These are summarised here. Although each type of community engagement has its place in Council, this strategy does not prescribe the type of community engagement that must be employed in specified circumstances. The range of Hutt City Council activities and types of decision is too varied for such an approach. However, the section on decision-making does outline some of the high-level factors Council takes into account when considering what type of community engagement is suitable for a specific proposal or issue.

Information – Supports all types of community engagement and keeps people informed about such things as decisions, services and local events.

Consultation – Can be used when there is a decision to make about something or when there are a number of choices about the details. Most of the proposals Hutt City Council considers involve consultation.

Deciding together – Local people are involved in deciding which option to choose, but it is Hutt City Council that will act on the decision. A good example of this is the Walter Nash Park playground in Taita. Locals helped design the playground that Council built.

Acting together – Decisions and implementation are made in partnerships between local people or agencies and Hutt City Council. The intended beautification around the Waiwhetu Stream is a good example of this in action. Locals have not only contributed to the development of the vision but are also to be involved in actively developing the area.

Supporting community initiatives – Independent groups are empowered to develop and carry out their own plans. Council's role is primarily supportive or facilitative. A lot of the work of Hutt City Council's community support staff involves supporting community initiatives.

Decision making

Hutt City Council is involved in a wide range of activities, from setting policies on gaming in the city, developing and enforcing local regulations and promoting tourism right through to the delivery of services and infrastructure like libraries and roads. In most of these activities, the kinds of decision range from setting longer-term strategy to minor operational matters.

In general terms, these decisions usually involve the first three types of community engagement – information, consultation and deciding together. In many cases, the same decision or issue may involve different types of community engagement at different steps in the decision-making process. It is important that the community and Hutt City Council have a common understanding of the decision-making process and how Hutt City Council decides when and how much to engage the community.

Hutt City Council's general decision-making process is illustrated in its Community Engagement Strategy (CEG). The CEG also outlines the key factors Council generally takes into account when developing a community engagement plan for a specific proposal or decision.

Council has also developed internal guidance – the Community Engagement Guidelines – to assist staff when they are deciding on the best approach to community engagement for a particular matter, proposal or decision. Council has trained community engagement mentors who are also available to assist colleagues design and implement an engagement strategy that is appropriate to the circumstances.

The CES can be accessed at <http://www.huttcity.govt.nz/Documents/a-z/Community%20engagement%20strategy%202011.pdf>.

It is also attached as Appendix II.

Spoken/sign language interaction

Council will make sure that those who require spoken/sign language interaction have this service available through liaising with the Sub Regional Disability Forum and non-government organisations that provide sign/spoken language services.

5. STRATEGIC ASSETS

The Act defines a Strategic Asset as:

“an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority’s capacity to achieve or promote any outcome that the local authority determines to be important to the current or future wellbeing of the community; and includes—

(a) any asset or group of assets listed in accordance with section 76AA (3) by the local authority; and

(b) any land or building owned by the local authority and required to maintain the local authority’s capacity to provide affordable housing as part of its social policy; and

(c) any equity securities held by the local authority in—

(i) a port company within the meaning of the Port Companies Act 1988:

(ii) an airport company within the meaning of the Airport Authorities Act 1966”

In accordance with section 76AA (3) of the Local Government Act 2002 Hutt City Council considers the following assets to be strategic:

- Roothing Network
- Wastewater Network and Treatment
- Stormwater Network
- Water Supply Network
- Landfills
- Network of parks and reserves
- Dowse and Settlers Collections
- Library Network



COMMUNITY ENGAGEMENT STRATEGY

GOALS

WHAT DOES THIS STRATEGY COVER?

The scope of Hutt City Council's Community Engagement Strategy is:

- interaction between Hutt City Council and the community undertaken for democratic decision-making
- ongoing engagement with the community, in the spirit of partnership.

This strategy outlines our community engagement philosophy and commitment to the community. It summarises at a high level:

- our community engagement goals
- the main types of community engagement Hutt City Council undertakes
- how community engagement relates to the decision-making process and how Hutt City Council considers how to involve the public in decision-making
- our approach to community partnerships
- our commitment to engaging Māori as a Treaty partner
- key opportunities for improving our community engagement.

WHY DOES COUNCIL HAVE A COMMUNITY ENGAGEMENT STRATEGY?

You cannot have 'government by the people' if the people are not involved when it comes to decisions that will affect them. While elected representatives make decisions on our behalf, they don't know what everyone thinks on every issue. Adding your voice assists elected members in their decision-making.

These principles are embodied within the Local Government Act 2002. The Act places very specific requirements on Council to be aware of and have regard to the views of its communities when performing its functions and to encourage people affected by or interested in an issue to present their views to Council.

Hutt City Council has been gradually improving its community engagement practices over time. These practices, and the principles that underpin them, are being formalised and agreed with the community through this strategy. This will ensure they form part of the bedrock of the way Hutt City Council does business.

VISION

To empower the communities of Hutt City to participate meaningfully in shaping Hutt City's services, facilities and policies, helping to make Hutt City a great place to live, work and play.

PRINCIPLES

The foundation of Hutt City Council's commitment to community engagement is embodied in the following principles

INVOLVING – Hutt City Council will reach out to a wide range of people to have their say
Accessible – The ways we engage are accessible – in terms of method, location, timing, information and communication
Inclusive – Methods are inclusive of our community, including reaching out to those who are marginalised or seldom heard
Appropriate – We will tailor our approach to the issues and circumstances, and the people we want to engage – engage in their way
Proactive – Communities will be engaged as early as is possible and sensible
GENUINE – Hutt City Council will undertake meaningful, open engagement in good faith
Transparent – We will be honest about the scope and purpose of engagement, how feedback is taken into account, and how it affects our business and decisions
Necessary, useful and purposeful – The purpose of our engagement will be clear and take account of previous engagement and scope for genuine input into decision-making
Integrity – We will engage honestly and respectfully with our communities and always in good faith
Open minded – We will take on board what we learn from community engagement when doing our business, forming proposals and making decisions
SUSTAINING – Hutt City Council will foster long term beneficial connections with our community
Build relationships and trust – Our engagement will foster longer term links and trust between Council and the community
Responsive – Council will always respond to community engagement, including letting residents and ratepayers that engage with Council know what is decided and why
Respectful – Council will be respectful to our community before, throughout and following community engagement
Mutually beneficial – Communities will feel their engagement with Council is worthwhile

GOALS

What Hutt City Council wants to achieve for and through community engagement

Decision-making – Decision-making that productively involves the community
Community engagement processes that support positive relationships between Council and the wider community
Listening to what people say in a fair and objective way
Making it as easy as possible for local people and other stakeholders to participate in, and have a say in, the development of the city
Gaining and sustaining the trust of our community by consistently demonstrating Council's desire to meet their needs and understand their perspectives
Meeting the requirements of legislation and ensuring that Council's statutory obligations surrounding consultation are met
Consulting effectively – balancing consultation processes with available resources
Community Partnerships – Empowering and supporting the community
Assisting and empowering the community to help itself
Nurturing existing beneficial community partnerships
Redeveloping our community partnership approach for community development activities in line with the Asset Based Community Development framework
Exploring additional community partnership opportunities as a productive means of city and community development
Engaging with Māori – Waiho i te toipoto, kua i te toiroa
Fully engaging with and fostering our new strategic relationship with the Port Nicholson Block Settlement Trust
Maintaining and nurturing our existing relationships with local Māori organisations within the city
Involving mana whenua and our local Māori organisations early in the decision-making process
Reaching out to and providing opportunities for Māori in general to contribute to our decision-making

COMMUNITY ENGAGEMENT

Community engagement is much broader than consultation, although consultation is encompassed within it. Community engagement includes the full range of community participation in decision-making - from being provided with information only right through to Council supporting community initiatives.

The different degrees of community engagement relate to the extent that decision-making powers (and implementation) are devolved to the community, or conversely, held with Council.

At a high level, there are five main types of community engagement that Hutt City Council undertakes with the community. These are summarised here.

Although each type of community engagement has its place in Council, this strategy does not prescribe the type of community engagement that must be employed in specified circumstances. The range of Hutt City Council activities and types of decision is too varied for such an approach.

However, the section on decision-making does outline some of the high-level factors Council takes into account when considering what type of community engagement is suitable for a specific proposal or issue.

DECISION-MAKING

Hutt City Council is involved in a wide range of activities, from setting policies on gaming in the city, developing and enforcing local regulations and promoting tourism right through to the delivery of services and infrastructure like libraries and roads.

In most of these activities, the kinds of decision range from setting longer-term strategy to minor operational matters. In general terms, these decisions usually involve the first three types of community engagement – information, consultation and deciding together. In many cases, the same decision or issue may involve different types of community engagement at different steps in the decision-making process.

It is important that the community and Hutt City Council have a common understanding of the decision-making process and how Hutt City Council decides when and how much to engage the community.

This section outlines:

- Hutt City Council's general decision-making process and how it relates to community engagement
- the key factors Hutt City Council generally takes into account when forming a community engagement plan for a specific proposal or decision.

General decision-making process

Hutt City Council's general decision-making process is illustrated on the next page.

This process generally applies to strategic decisions made by Hutt City Council right through to operational decisions made by Council officers, although the nature of the engagement will vary accordingly. At most steps, Hutt City Council can undertake some type of community engagement.

It is important to note, however, that community engagement in decision-making may not mean negotiating or reaching agreement or consensus, nor in many cases is it intended to replace the decision-making responsibilities of the elected members of Council. Nor will all of the steps in the process be appropriate in all cases.

Information – Supports all types of community engagement and keeps people informed about such things as decisions, services and local events.

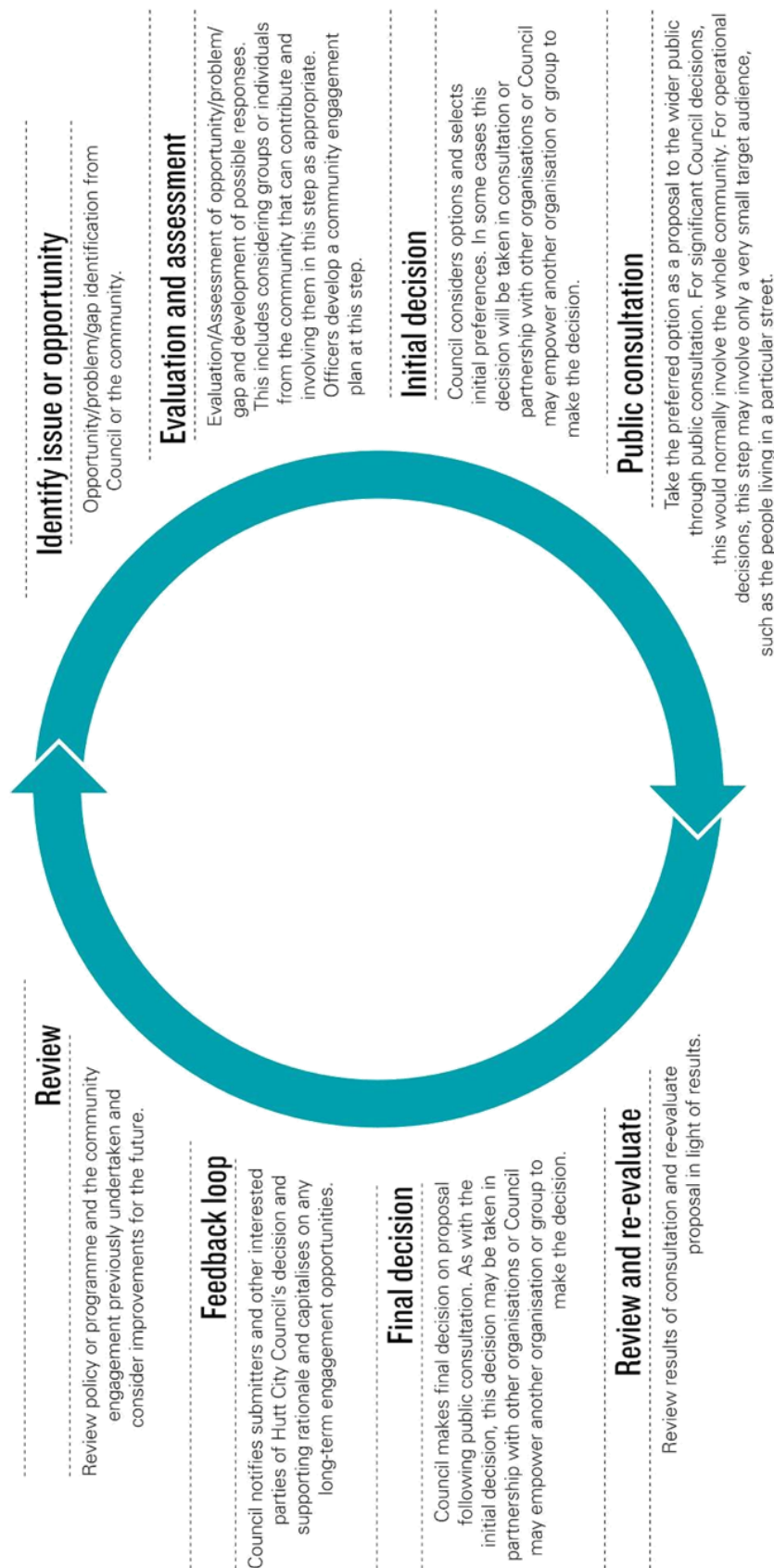
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Supporting community initiatives – Independent groups are empowered to develop and carry out their own plans. Council's role is primarily supportive or facilitative. A lot of the work of Hutt City Council's community development team involves supporting community initiatives.

THE DECISION-MAKING PROCESS



COMMUNITY ENGAGEMENT PLANNING

Flexibility is critical to forming good engagement plans for individual decisions or proposals. Different situations will require different approaches to community engagement. Community engagement must also be balanced against available resources.

Listed in this section are the six key factors that Council considers when forming a community engagement plan. The collective impact of these factors is weighed up by Council at the evaluation and assessment stage of the decision-making process. This helps inform what type of community engagement is suitable and how much resource should go into community engagement, as well as some guidance on who could be engaged.

In addition to the high-level considerations noted here, practical guidance for staff on planning the specifics of their community engagement is available within Council.

1. Extent and nature of the decision or proposal

Is the impact city wide or is it limited to a specific area or customer group? The wider the impact of the decision or proposal, the wider the community of interest that needs to be engaged.

Conversely, changes with a significant impact on a specific area or customer base may involve very detailed but targeted community engagement.



2. Significance

How significant is the proposal or decision according to Council's Significance Policy?

The more significant the proposal or decision, the more involved the relevant community or city should be in the decision-making process. Significance involves an assessment of a range of factors, from net cost to the level of public interest and controversy. An issue can be significant for a local community only, and not for the wider community.



3. Urgency

The more urgent the decision, the less involved the community can become.

Some decisions must be made without any community engagement because of urgency. In these cases, Council usually goes quickly from the evaluation step to the final decision step in the general decision-making process. An example was Council's decision to contribute to the purchase of Baring Head.



4. Confidentiality

Most of Council's decisions can be made in the public realm with ample opportunity for community engagement. However, some Council business is sensitive or confidential, for example where decisions involve commercially sensitive third party information.

In these cases, Council may limit who it engages with or may not undertake any community engagement at all.



5. Partner involvement

The more a proposal or decision involves partners within the community for expertise, implementation or buy-in for success, the more involved the city or relevant community should be in the decision-making process. There are some decisions / proposals where success does not require any partnerships with the community. Many technical or infrastructural decisions fall into this category.



6. Legislative requirements

In addition to the above factors, which must be weighed, legislative requirements can play an important part in determining Council's community engagement, such as who is engaged, to what extent and at what stage in the process. In these cases, the decision-making and consultation requirements of the legislation must be adhered to.

COMMUNITY PARTNERSHIP

Mā tini, mā mano, ka rapa te whai

By many, by thousands, the object will be attained

Hutt City Council cannot by itself address the wide range of issues in the community, nor is it always best placed to deal with an issue or undertake action.

Hutt City Council often shares responsibility for an issue with the wider community, jointly developing and acting on plans. Council's Safer Hutt Valley work is a good example of acting together. The strategy is being jointly developed between the Hutt Valley's two councils, other public sector organisations, and importantly, the business sector and many community organisations.

At other times, Hutt City Council's most appropriate role is limited to supporting and helping empower the community itself. An example of this is Council assisting in the development of workplace travel plans at Wingate. These plans are owned, and are acted upon, by the businesses involved.

There are many groups and organisations within the community that offer a very wide range of work within the community, from community patrols to volunteer caretaking of part of the city's reserves.

For these reasons, engagement with the community in the spirit of partnership is a crucial part of helping the community and Hutt City Council make the city a better place to live, work and play. It also strengthens our relationship with the community and means Council is better able to work with the community when making decisions.

While community partnerships are an important part of our business across Hutt City Council, they are a particularly important feature of our community development work.

ENGAGEMENT WITH MĀORI

Waiho i te toipoto, kaua i te toiroa

Let us keep close, not far apart

Council has an obligation to take into account the principles of Te Tiriti o Waitangi and to recognise and provide for the special relationships between Māori and their culture, traditions, land and taonga.

The Local Government Act 2002 acknowledges the Crown's responsibilities under the Treaty of Waitangi and the responsibility to maintain and improve opportunities for Māori to contribute to local government decision-making processes.

ACKNOWLEDGEMENTS

The obligation to consult includes recognising those who have mana whenua status. Within Hutt City, this rests with Taranaki Whānui, represented by the Port Nicholson Block Settlement Trust.

Council will also consult the Wellington Tenth Trust as a Mana Whenua Trust and with Te Runanganui o Taranaki Whānui ki te Upoko o te Ika a Maui as a mana whenua organisation.

In fulfilling its obligations, Council will also consult other Māori within Hutt City, including the city's seven marae – Koraunui Marae, Te Mangungu Marae, Wainuiomata Marae, Te Kakano o te Aroha Marae, Waiwhetu Marae (also known as Arohanui ki te tangata), Te Tatau o te Po Marae and Keriana Olsen-Kokiri Marae.

STRATEGIC RELATIONSHIP

Council has a memorandum of understanding with the Port Nicholson Block Settlement Trust. This memorandum confirms the strategic relationship between the parties and the opportunity for the Trust to contribute to Council decision-making and be a provider of leadership with Council for the city.

<p>The memorandum provides the following guiding principle for the Trust and Hutt City Council:</p> <ul style="list-style-type: none"> • The parties work together in partnership to ensure the mutual benefit and success of the relationship. • The sustainable prosperity of Hutt City is important to both parties. • Each party recognises the autonomy, authority and responsibilities of the other to represent their communities' interests. • The Trust acknowledges the autonomy, authority and responsibilities of Council when acting in its regulatory capacity and when discharging its legislative obligations. • The principles embodied in the Treaty of Waitangi will guide this relationship. In practical terms this means: <ul style="list-style-type: none"> – partnership: acting reasonably, honourably and in good faith to ensure the strategic relationship has integrity and respect, in the present and for the future of Hutt City – participation: recognising that both parties can contribute, for mutual benefit, in deciding the future of the city – working towards and achieving the parties' visions and – protection: actively protecting the taonga of Taranaki Whānui and safeguarding cultural concepts, values and practices to be celebrated and enjoyed for all Hutt City residents. 	<p>The memorandum also provides specifically for engagement between the Trust and Hutt City Council on:</p> <p>Council planning and policy processes</p> <ul style="list-style-type: none"> – The Trust will have input into the various planning processes of Council, in particular the Annual Plan and Long Term Plan. <p>The Trust will make significant contributions to reviewing the District Plan of Council. This will include commentary on all matters relating to mana whenua representation, sites of significance and rules, protocols, objectives and measures that are required.</p> <p>Resource Management Act 1991 and other legislation – The parties will work together to achieve the purpose of legislation in relation to local government decision-making.</p> <p>The Council will ensure matters are presented to the Trust in a timely and informative manner, which in turn will assist the Trust in the exercise of its kaitiakitanga for Hutt City.</p> <p>Culture and heritage – Council will ensure ceremonial, interpretation and naming opportunities are presented to the Trust so as to retain and protect Māori culture and heritage throughout Hutt City, as deemed by the Trust to be of significance.</p> <p>The Trust, as the mana whenua representative, will provide cultural support to the Mayor, councillors, Chief Executive and other officers as mutually agreed.</p>	<p>OTHER ENGAGEMENT WITH MĀORI</p> <p>While Hutt City Council will take special care in its relationship with mana whenua, it must also reach out to the wider Māori community and provide opportunities for Māori to contribute to Council's decision-making.</p> <p>The key to this will be to foster and maintain strong relationships with Māori organisations within the city – in particular, Te Runanganui o Taranaki Whānui ki te Upoko o te Ika a Maui and the city's seven marae.</p> <p>The foundation of these relationships will be built on:</p> <ul style="list-style-type: none"> • open and honest communication between Council and Māori • promoting tikanga Māori (Te Atiawa protocol) throughout Council • providing opportunities for Māori to contribute to our decision-making • providing quality advice and support for capacity and capability strengthening • maintaining the right of tangata whenua to be represented and vote at meetings of Hutt City Council committees and subcommittees. 	<p>OPPORTUNITIES FOR IMPROVEMENT</p> <p>Hutt City Council's community engagement practices have been an area of focus in the past few years and have steadily developed in that time.</p> <p>Our commitment to in-depth, meaningful community engagement can be seen, for example, in the development of our CBD vision and the consultation plus workshop held in 2007 which involved more than 200 members of the public helping to establish Hutt City Council's priorities.</p> <p>These efforts have paid dividends, as a 2010 survey showed that 90% of residents were satisfied with Council's consultation and engagement with residents and the publicity provided.</p> <p>Despite this, there is always room for improvement. The communities' expectations are also evolving and Hutt City Council must keep pace with them.</p> <p>This section outlines the seven key areas Hutt City Council has set itself for improvement in the next five years (2011-2016).</p>
			<p>COMMUNITY ENGAGEMENT PLANNING</p> <p>Community engagement planning is crucial to good community engagement practice and decision-making. Without planning, Hutt City Council may miss opportunities or not get the reach into its community that could be achieved.</p> <p>The high-level factors that officers should consider when determining how much to involve the community have been highlighted</p>

<p>earlier in this plan. However, this requires internal supporting material and changes to internal decision-making processes.</p> <p>A community engagement toolkit or kete will be developed in-house to provide assistance to staff. This will provide practical guidance and tips to staff.</p> <p>Hutt City Council's internal decision-making process will also be reviewed, taking into account the Community Engagement Strategy.</p>	<p>COMMUNICATIONS TECHNOLOGY</p> <p>The pace of change in communications technology and use is staggering. As at 2009, 80% of people in New Zealand used the internet, with email usage at 72%.</p> <p>Thirty seven per cent of people used social networking sites like Facebook and Twitter. Cell phone ownership was almost universal in working-age adults.</p> <p>As people and organisations adapt to and find new ways of using their phones and the internet, new community engagement opportunities open up.</p> <p>Councils around the world have started using these tools, finding new ways to inform and open up the decision-making process and get closer to their communities.</p> <p>A small survey of the tools now available shows a staggering range, from blogs, web and phone polls, e-petitions, webcasting of Council meetings, and video and YouTube submissions through to social media engagement using Twitter and Facebook.</p> <p>Hutt City Council, as part of our Smarter City drive, wants to ensure we continue to keep pace with technology and our customers' expectations.</p> <p>Systems such as Facebook, Twitter and online surveying will potentially assist us in engaging with a younger demographic and will also help us to reduce the costs of engagement.</p>	<p>This framework is modelled on the Asset Based Community Development approach, which builds on the skills and strengths within local communities, the power of community groups and the supportive functions of local government and other agencies, drawing upon existing community strengths to build a more sustainable future.</p>	<p>COMMUNITY ENGAGEMENT COORDINATION</p> <p>A constant stream of issues is being worked through or considered at Council at any time. The result is usually that there is a constant stream of issues on which the community is being engaged. This can often mean community engagement resources are employed in an isolated and limited way and that the public is constantly bombarded with consultation.</p>	<p>If community engagement, and particularly public consultation, activities were more coordinated, there would be more opportunities to undertake more significant community engagement activities or raise the profile of community engagement in a cost-effective manner and reduce consultation fatigue. For example, shared publicity and promotion and shared public workshops.</p>	<p>INTERNAL INFORMATION SHARING</p> <p>Hutt City Council receives a lot of information about community concerns, views and activities from formal consultation and engagement activities as well as informal everyday engagement with the community.</p> <p>This information is often held with an individual or team and is not shared with others in the organisation. If this information can be better shared within Council, it can mean:</p> <ul style="list-style-type: none"> • this information is used to its fullest advantage • the same or similar information is not re-sought from the community – saving Council resources and the community's time • Council is more internally connected. <p>To help achieve a greater use of existing information, Council has recently put in place a system that records important community engagement events, helping staff to identify where community engagement has taken place and where further information can be found.</p>	<p>ENGAGEMENT WITH MĀŌRI</p> <p>There are three priority areas for improving our engagement with Māori in the next five years:</p> <ul style="list-style-type: none"> • Fully engaging with and fostering our new strategic relationship with the Port Nicholson Block Settlement Trust. • Involving mana whenua and our local Māori organisations earlier in the decision-making process. For example, engaging mana whenua on Council's Annual Plan prior to finalisation for public consultation and engaging our local marae early on issues into which they have insight and on which they can help us determine solutions. • Getting Māori in general involved in the decision-making process, including looking at ways of engaging that make it easier and more appealing for Māori to have their say. 	<p>FEEDBACK LOOP</p> <p>Closing the feedback loop is crucial to sustaining long-term community engagement. When Council gets back to residents, businesses and community organisations that have made the effort to have their say on an issue, civic dissatisfaction and apathy are minimised. Letting people know what has been decided and the reasons for that decision is basic community engagement practice.</p> <p>Hutt City Council is very effective at closing the feedback loop for many larger projects, such as Council's vision work, the Annual Plan and bylaw reviews. This practice is not universal, however. This presents Council with an opportunity to improve our basic community engagement practice meaningfully in many cases.</p> <p>Council also has an opportunity to maximise the longer-term opportunities that can be leveraged from community engagement on a proposal or issue. Many individuals and groups involved in areas of mutual interest become known to Hutt City Council through community engagement on decision-making. However, these contacts are sometimes lost.</p>	<p>COMMUNITY DEVELOPMENT</p> <p>Hutt City Council is developing a community development framework that considers local assets as the primary building blocks of sustainable community development.</p>
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06 November 2017

File: (17/1698)

Report no: PRC2017/5/5

Strategy and Planning Activity Report

Purpose of Report

1. The purpose of this report is to outline the results of a review of the Strategy and Policy activity.

Recommendation

It is recommended that the Committee:

- (i) notes the information contained in this report;
- (ii) notes that this review also meets the intent of section 17A of the Local Government Act 2002; and
- (iii) agrees that a full section 17A review should not be undertaken at present.

Background

2. Activity Reports provide regular information about Council activities, so that activities can be analysed and their future direction considered. They also address the requirements of section 17A of the Local Government Act 2002 (LGA) that regular reviews be undertaken of the cost-effectiveness of current arrangements for meeting the needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions.

High-level description of Activity

3. Activity 17 – Advice and Support – is a function primarily delivered by the Strategy and Planning Division in the City Transformation Group. This activity comprises the processes that support Council decision making, such as the Long Term Plan, strategic planning, policy development and research, monitoring and reporting. The team now

comprises 4 full time staff and two staff – a Senior Policy Advisor and Policy Advisor are currently being recruited to fill vacancies that have existed for 18 months and 6 months respectively.

Reason for the review

4. This review is required because 3 years have passed since this Activity was last reviewed.

Rationale for service provision

5. The Advice and Support Activity leads Councils' development, implementation and review (when appropriate) of Council's Integrated Vision for the city and its four key strategies: Urban Growth, Leisure and Well Being, Environmental Sustainability and Infrastructure.
6. The Advice and Support Activity also has a focus on:
 - developing the Long Term Plan, Annual Plan and Annual Report and managing the processes associated with these;
 - providing policy advice to Council that balances the different views of the local community in the interests of achieving the best public good outcome;
 - representing Hutt City Council on cross-Council working groups;
 - undertaking bylaw reviews for Council in conjunction with other key Council staff;
 - maintaining relationships with central government agencies and working with them to undertake mutually advantageous projects; and
 - undertaking research and monitoring on behalf of different Divisions across Council for planning and reporting purposes.
7. The provision of free and frank, professional advice enables transparent decision making and provides assurance that rigorous analysis underpins Council processes and decisions.
8. The Committee should note that policy and strategy advice is also provided by other areas of Council such as the Strategic Leadership Team, Parks and Gardens, the Community Services Group and Environmental Policy. While Strategy and Planning is often involved in assisting with the development of strategies and policy in these areas, the team does not performing the primary advice function.
9. Legal advice is provided by the Legal Services team and financial advice, with the exception of some policies such as the CBD remissions policy, is provided by the Finance Division

Present arrangements for governance, funding and service delivery

10. Strategy and Planning is a division of Council providing evidence based policy, strategy and research advice. These services assist Council to make

decisions regarding the future direction of and policy for the city and Council's input in to achieving this direction.

Current and future risks likely to have a significant impact on this activity

11. Council's ability to attract experienced and well qualified policy and research staff members is negatively impacted by our proximity to central government. It is difficult to compete in such a tight market where the remuneration offered cannot be met by Council to the same degree. We have been fortunate to secure staff with excellent skills who are committed to making a difference for the city.

Current performance against KPIs compared to historical and peer benchmarks

12. The following table sets out the measures that those providing Advice and Support use to assess success towards providing outcomes associated with Activity 17.

Measure	Target 2017	Results 2017	Results 2016
Councillors are satisfied or more than satisfied with the formal advice they receive from officers (measured by internal survey)	80%	96% Achieved	93%
Councillors are satisfied or more than satisfied with responses to requests for help from officers (measured by internal survey)	80%	98% Achieved	86%
Community Board and Community Committee members are satisfied or more than satisfied with the formal advice they receive from officers (measured by internal survey)	80%	92% Achieved	82%
Community Board and Community Committee members are satisfied or more than satisfied with responses to requests for help from officers (measured by internal survey)	80%	84% Achieved	82%

Total operating and capital cost of the service over the last 3 years and next 10 years

13. The 2017/18 operating budget for Strategy and Planning is \$1,068,874. The 2016/17 operating budget was \$1,084,872. The budget is unlikely to vary considerably from these figures over the next ten years with allowances made for salary and research and monitoring costs.

Adjustments that could be made to user charges and service levels to increase or decrease these by 5%

14. A 5% reduction in budget would reduce Council's ability to undertake research projects that inform policy and strategy development. It may also impact on Council's ability to attract and retain suitably qualified staff.

15. A 5% increase in budget would increase Council's capacity to undertake research projects that inform policy and strategy development and also enhance the division's ability to provide economic analysis.

Comparison of any significant fees or charges against peers

16. Not applicable to Activity 17.

Current highlights or issues of significance to Council

17. None relevant to this activity.

Reasonably practical options for the governance, funding and delivery of this activity

18. The costs of Activity 17 – Advice and Support have been steady over the last three years and they are unlikely to increase markedly in the immediate/medium term future.
19. Although there are no external measures available to compare service delivery between Councils, indicatively Hutt City Council's Strategy and Planning activities are comparable to that of Wellington and Porirua Councils. Porirua has seven full time staff involved in delivering policy, strategy and research services. Wellington City Council employs 15 full time staff to deliver policy, strategy and research services.
20. HCC has a small group of policy, strategy, economic and research specialists who work on a wide range of projects. The team represents HCC in a wide range of external policy and strategy groups and has been instrumental in accessing funding from central government to deliver specialist projects in Hutt City.
21. Strategy and Planning contributes directly to rate payer satisfaction with Council engagement as the team often leads engagement projects such as the Avalon Park Dog Exercise Areas, Risk and Resilience and the Parking Policy. Community satisfaction with Council engagement has generally been improving over the last three to four years. In 2017, 71% of respondents to the Annual Satisfaction Survey were satisfied with Council's engagement.

Appendices

There are no appendices for this report.

Author: Wendy Moore
Divisional Manager, Strategy and Planning

Approved By: Kim Kelly
General Manager, City Transformation

05 September 2017

File: (17/1365)

Report no: PRC2017/4/224

New Reserves, Leases and Licences for 2018

Purpose of Report

1. This report seeks approval to issue 12 new leases and licences to existing clubrooms and other premises to individuals, clubs & associations for which leases and licences on clubrooms, buildings or the use of land is currently being held but are due to expire in 2018.

Recommendations

It is recommended that the Committee:

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

For the reason that officers recommendations are in line with Council Policy on this issue.

Background

2. Council manages approximately 260 lease and licence agreements on Council owned reserve land. The agreements are based on Council's generic reserves lease or licence agreements, which has been approved by Council. The terms and conditions of each agreement are reasonably similar, except for the rental, term and duration of the agreement, which may differ.
3. Attached to the report as Appendix 2 is a copy of the public notice that was placed in the Hutt News on 8 August 2017. The purpose of the advertisement is to provide an opportunity for members of the public to make a submission on Council's proposal to issue a new lease. No submissions were received in response to the public notice.

4. This report covers leases which are due to expire in 2018.

Discussion

5. All clubs or organisations detailed in Appendix 1 have a lease or licence with Council for the reserve land upon which their clubrooms, buildings, and/or structures are located. As an established user of reserve land, the issuing of a new lease or licence will have little or no change in impact on the use of the reserve for which the lease or licence relates. As such officers support the issuing of each of the new leases and licences.

Options

6. The Committee can resolve to:
 - a. approve the proposal to issue new lease agreements to those clubs /associations in Appendix 1; or
 - b. decline, either individually or collectively, the request to issue new lease agreements to those clubs in Appendix 1.

Consultation

7. In accordance with statutory requirements, Council's intention to issue a lease or licence was publicly notified in the Hutt News on 8 August 2017 and closed on 8 September 2017. At the time of writing this report no submissions had been received.
8. A copy of this report has been provided to the Port Nicholson Block Settlement Trust and Te Runanganui for comment.

Legal Considerations

9. Leasing or licencing of designated reserves is covered by the Reserves Act 1977 and for land managed as reserve by the Local Government Act 2002. This proposal to enter into new lease or licence agreements with each of the clubs or organisations outlined in Appendix 1 is in accordance with statutory requirements.

Financial Considerations

10. The cost of publicly notifying the proposal and entering into new leases and licences is minimal and will be met from existing budgets.

Other Considerations

11. Reserves Management Plans guide the use, maintenance and development of Council reserves. The proposal to issue new leases and licences is in accordance with the policies and objectives of the relevant plan.

Appendices

No.	Title	Page
1	New leases and licences 2018	231
2	Advertisement from Hutt News 8 August 2017	232

Author: Bruce Hodgins
Divisional Manager, Parks and Gardens

Approved By: Matt Reid
General Manager City and Community Services

TYPE	LESSEE	LEGAL DESCRIPTION	PURPOSE	TERM
Lease	Capital Model Racers Inc	Wingate (Old tip site)	Land	5+5+5
Lease	Hutt Valley Model Railway Club Inc	Randwick Crescent Reserve	Clubrooms	5+5+5
Lease	HV Badminton Association	Walter Mildenhall Park	Clubrooms	13+10+10
Lease	Petone Rugby Football Club Inc	North Park	Clubrooms	5-20
Lease	Petone Tennis Club	North Park	Clubrooms and Tennis Courts	5-20
Lease	SV Tennis Club	Kamahi Reserve	Clubrooms	10+10
Licence	Two Degrees Mobile Limited	Honeysuckle Grove, Maungaraki	Land for Communications Tower	3+3+3
Licence	Vodafone	Rona Bay Foreshore	Underground cables	3+3+3
Licence	Vodafone	Hugh Sinclair Park, Wainui	Underground cables	3+3+3
Licence	Vodafone - Phil Evans Reserve	Phil Evans Reserve	Locating a cable underground only	3+3+3
Licence	Vodafone - Walter Mildenhall Park	Walter Mildenhall Park	Underground cables	3+3+3
Lease	Wellington Tenths Trust	Hikoikoi Reserve	Land	13+10+10

advertising proof 2017

adcorp
STARTING CONVERSATIONS

client revisions:
1 2 3 4 5
\$0 \$25 \$50 \$75

PLEASE NOTE: that we have prepared this advertisement proof based on our understanding of the instructions received. In approving the advertisement, it is the **client's responsibility to check the accuracy of both the advertisement and the media and position nominated.**

Cancellation of adverts booked with media will incur a media cancellation fee of \$50.

your contact: Vanita

REMINDER: Please check URL, email address and closing date

job: WN32109 **size:** 22 x 3col **format:** mono

publication see cost estimate	run date	position

Proposal to Issue Leases & Licences for Existing Premises

The Hutt City Council hereby gives public notice in accordance with Section 119 of the Reserves Act 1977 or Section 138 of the Local Government Act 2002 of its intention to consider the issuing of a number of new leases and licences for existing clubrooms and land to individuals, clubs & associations. In all cases the lease or licence for the building has, or is shortly to, come to the end of its term and a new lease or licence is required to be entered into. The full schedule of leases and licences proposed to be issued is outlined below;

TYPE	LESSEE	LEGAL DESCRIPTION	PURPOSE
Lease	Capital Model Racers Inc	Wingate (Old tip site)	Land
Lease	Hutt Valley Model Railway Club Inc	Randwick Crescent Reserve	Clubrooms
Lease	HV Badminton Association	Walter Mildenhall Park	Clubrooms
Lease	Petone Rugby Football Club Inc	North Park	Clubrooms
Lease	Petone Tennis Club	North Park	Clubrooms
Lease	Stokes Valley Tennis Club	Kamahi Reserve	Clubrooms
Licence	Two Degrees Mobile Limited	Honeysuckle Grove, Maungaraki	Land for Communications Tower
Licence	Vodafone	Rona Bay Foreshore	Underground cables
Licence	Vodafone	Hugh Sinclair Park, Wainuiomata	Underground cables
Licence	Vodafone - Phil Evans Reserve	Phil Evans Reserve	Locating a cable underground only
Licence	Vodafone - Walter Mildenhall Park	Walter Mildenhall Park	Underground cables
Lease	Wellington Tenth Trust	Hikoikoi Reserve	Land

Further information about this process or the individual details may be obtained from Janine Jones, telephone 04 570 6795.

Persons wishing to make an objection or submission in respect of the above proposal are required to lodge this in writing with Council no later than

Friday 8 September 2017. Submissions may either be sent by e-mail to submission@huttcity.govt.nz or sent by post to the Hutt City Council, Hutt City Council, Private Bag 31912, Lower Hutt. Postal submissions must be received by 5pm Friday 8 September 2017.

Dated this 8 August 2017.

Tony Stallinger
Chief Executive

huttcity.govt.nz

HUTT CITY
TE AWA KAIRANGI

25 October 2017

File: (17/1643)

Report no: PRC2017/5/294

General Manager's Report

Purpose of Report

1. The Policy and Regulatory Committee requested a General Manager's report containing information on major consents, hearings, appeals to the Environment Court and enforcement matters.

Recommendations

It is recommended that the Committee notes the contents of this report.

Background

2. This report covers the activities of two divisions in the City Transformation Group; being Regulatory Services and Environmental Consents. The Environmental Consents division process consent applications under the Resource Management Act, the Food Act, the Sale & Supply of Alcohol Act and the Building Act (resource and building consents, liquor and food licenses and District Licensing reports), as well as LIMs and property enquiries under the Local Government Official Information and Meetings Act. It also offers an Eco Design Advisor service across the city and a part service in Upper Hutt City Council. Regulatory Services deal with trade waste applications, bylaws, animal services and parking.
3. The report firstly covers Environmental Consents and secondly Regulatory Services. Environmental Consent data is attached as Appendix 1 to the report. Environmental Health data is attached as Appendix 2 to the report
4. Regulatory Services data is attached as Appendix 3 to the report.

Discussion – Environmental Consents

5. The division continues to experience an increase in application numbers across the board.

6. A comparison of the building consent applications from the last financial year to end October, with this financial year in the same period shows a 12% increase.
7. The same comparison for resource consent applications shows an 18% increase, and for LIMs there is a 16% increase. There has also been a significant increase in the number of commercial LIMs applied for in the last two months, with the majority of these being for properties in Seaview.
8. The number of liquor license applications processed this financial year to date, has also increased by 28% compared to the previous year. The number of District Licensing Committee hearings for alcohol applications this financial year has increased threefold compared to the number in the same period in the 2016/17 financial year.
9. The entire Division continues to find it hard in terms of resourcing. However, we have managed to secure some staff in the LIMs and building areas, and are in the midst of interviewing in the environmental health and building areas. We are still recruiting for a Resource Consents Planner.
10. With the new LIMs Officer on board we are now able to offer the fast track LIM service again.
11. As part of phase two of the organisational re-structure, an external review of the resource in the Environmental Health team is being undertaken.
12. We continue to meet our statutory timeframes in all areas.

Building Team

13. Coupled with the increase in numbers of building consent applications, is an increase in the value of building consents received. From 1 July to end October 2017, the value of building work received is \$102,417,436. This is an increase of \$37,645,913, and an additional 53 applications, when compared with the same period in the last financial year (1 July to end October 2016: \$64,771,523).
14. Our seismic assessment officers have been busy dealing with owners of unreinforced masonry (URM) buildings to ensure the securing of facades and/or parapets are completed the end of March 2018. There has been consultation with the Ministry of Business Innovation and Employment (MBIE) and Wellington City Council regarding the looming deadlines and the work each Council needs to do to ensure the timeframes are met. Legal advice is being sought jointly by the three agencies around enforcement options available after March 2018.
15. Council originally had 72 buildings on the URM list. This has now been reduced to 38 buildings, with investigation regarding the construction of many of the buildings revealing the buildings can be removed from the list. The Jackson Street Programme's initiative now has 11 building owners signed up to it.
16. As noted in the media, Wellington City Council is investigating the possibility of a targeted rate or loan for owners that are not able to complete

the work due to financial restraints. Hutt City Council is interested in this approach and will come back to Council with options once they have been investigated further.

Recent building consent applications received of note include:

17. 54 High Street, Hotel foundations only, value \$475k, being processed
18. 18 Tocker Street, new childcare centre, value \$500k, being processed
19. 22 Hawkins Street, new workshop and apartments, value \$700k, being processed

Resource Consents

Recent resource consent applications received of note include:

20. The Summerset Group has submitted an application for earthworks on the site of District Plan Change 35 to prepare the site for future development. No building work is proposed as part of this application. The earthworks involve approximately 8,000m³ of cut and 9,000m³ of fill. The earthworks are expected to take 8 – 12 weeks over the summer school holiday period. Council has not yet received an application for the retirement village. It is understood that this will be submitted later this year or early next year.
21. 115 – 120 Oxford Terrace, Epuni: Housing New Zealand has submitted an application for a new 5-storey building with 28 apartments. This replaces an existing 4-storey building that is to be demolished.
22. The Strand, Wainuiomata: an application has been received for the construction and operation of a retirement village consisting of 70 villas, 30 apartments, 10 serviced apartments, a 60 bed aged care facility, and a communal facility building including a café for residents and the public. This site was formerly part of Hugh Sinclair Park and has been the subject of a Plan Change to allow for its development as a retirement village.

Recently granted resource consents

23. 14 Laings Road, Hutt Central: consent has been granted to convert the upper floors of the existing building into 39 new apartments. The proposed apartments will be for affordable housing with tenants referred by a social services provider. Consent was required due to no on-site car parking being provided for the units.
24. 10 Daly Street, Hutt Central: consent has been granted for a development of 48 apartments in four new buildings.

RMA Enforcement

25. An abatement notice served on an owner allowing commercial premises to be used for residential purposes has been appealed to the Environment Court. The Environment Court has set a mediation date of 29 November

Environmental Compliance Conference

26. Members of the Resource Consents Team attended this conference from 8th – 10th November. Tim Johnstone presented at the conference, talking about new compliance guidelines that have been prepared by the Ministry for the Environment and the areas of monitoring and enforcement that can be improved.

Environmental Health

Alcohol

27. This financial year to date, 169 alcohol applications have been processed through the team, with six of these needing a hearing with the District Licensing Committee (DLC). This compares to 134 applications processed in the same period in the last financial year, with only two hearings in the last financial year.
28. There has been an increase in the number of DLC hearings which directly correlates to an increase in public awareness of bottle stores opening in their neighbourhood, and the link between this and alcohol harm. This is in line with the three reporting agencies' (Council Licensing Inspectors, NZ Police and the Medical Officer of Health) focus on reducing alcohol related harm, and subsequently opposing the granting of licenses. This is not likely to reduce moving forward.

Recent notable liquor hearings:

29. A one day District Licensing Committee (DLC) hearing took place on the 20th October 2017 for a new Off-License application (Black Bull Liquor on 1 Rutherford Street) that was opposed by the Medical Officer of Health. The decision is still pending with the DLC.
30. Another one day hearing is scheduled for the 15th November 2017 for three Managers Certificate applications. These have been opposed by the NZ Police and HCC inspectors.

Food premises

31. The team is working on transitioning food premises to the new requirements of the Food Act. To do so, workshops for food business operators are being run twice a month by Environmental Health Officers to educate them on the new Food Act. The operators are taken through how to tailor Food Control Plans and diaries to suit their businesses. These workshops have been well received by the food business operators.
32. Hutt City Council has 527 food premises, with 227 of these operating under the provisions of the Food Act 2014. The remaining 300 food premises are yet to transition. This is to be completed by March 2019.

Enforcement matters from Regulatory Services

Animal Services

33. Animal Control Officers have been busy visiting properties to ascertain why dogs are on the list of debtors (those not registered for the new year).
34. From a list of 950, officers have made contact with over 70 percent of those and those dogs are either registered now or database amended to show owners have moved or dogs have died, and Council have not been informed.
35. A recent visit this month by Mark Vette, who is one of New Zealand's leading dog behaviourists and trainers, has picked Hutt City's Animal Services team to work with to initiate a new programme based on owners of dogs being a partner with Councils, in more knowledge of dogs and behavioural advice.
36. Our team was picked because of our proactive approach with community engagement, working with our dog owners to improve dog ownership, resulting in less complaints.

Consultation

37. Consultation was undertaken with affected parties on notified resource consents.

Legal Considerations

38. The group administers the RMA, the Building Act, LGOIMA, the Sale and Supply of Alcohol Act, Food Act and other legislation. No other legal considerations apply in terms of the content of this paper.

Financial Considerations

39. There are no financial considerations.

Other Considerations

40. In making this recommendation, officers have given careful consideration to the purpose of local government in section 10 of the Local Government Act 2002. Officers believe that this recommendation falls within the purpose of the local government in that meets the current needs of the community by ensuring that development is dealt with in a controlled and legitimate manner.

Appendices

No.	Title	Page
<u>1</u>	Environmental Consents Graphs at 30 November 2017	239
<u>2</u>	Environmental Health graphs at 30 September 2017	258
<u>3</u>	Regulatory Services attachment to report to 31 October 2017	260

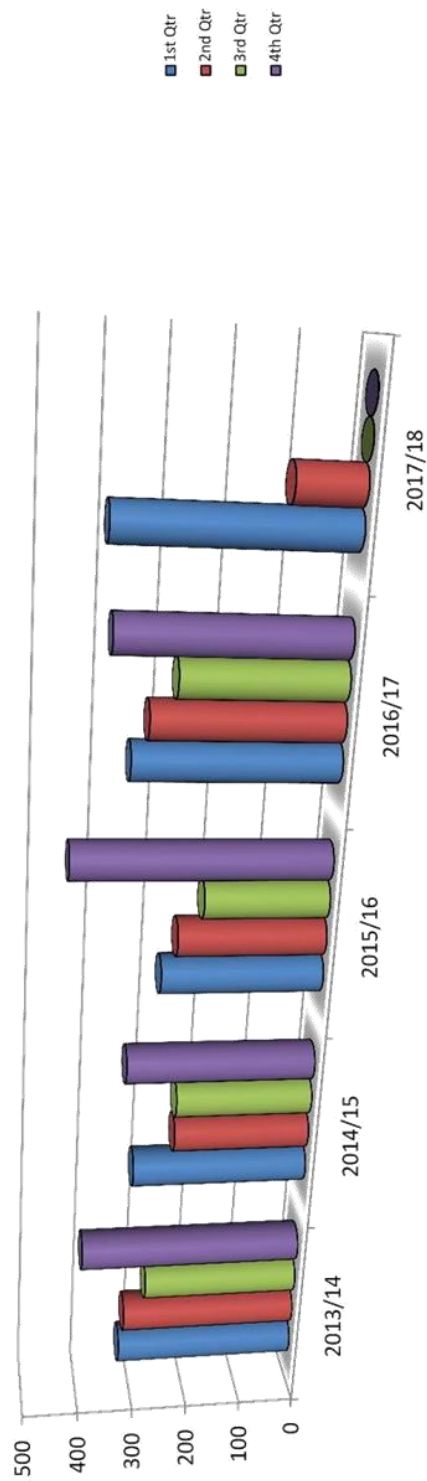
Author: Geoff Stuart
Divisional Manager, Regulatory Services and Emergency Management

Author: Helen Oram
Divisional Manager Environmental Consents

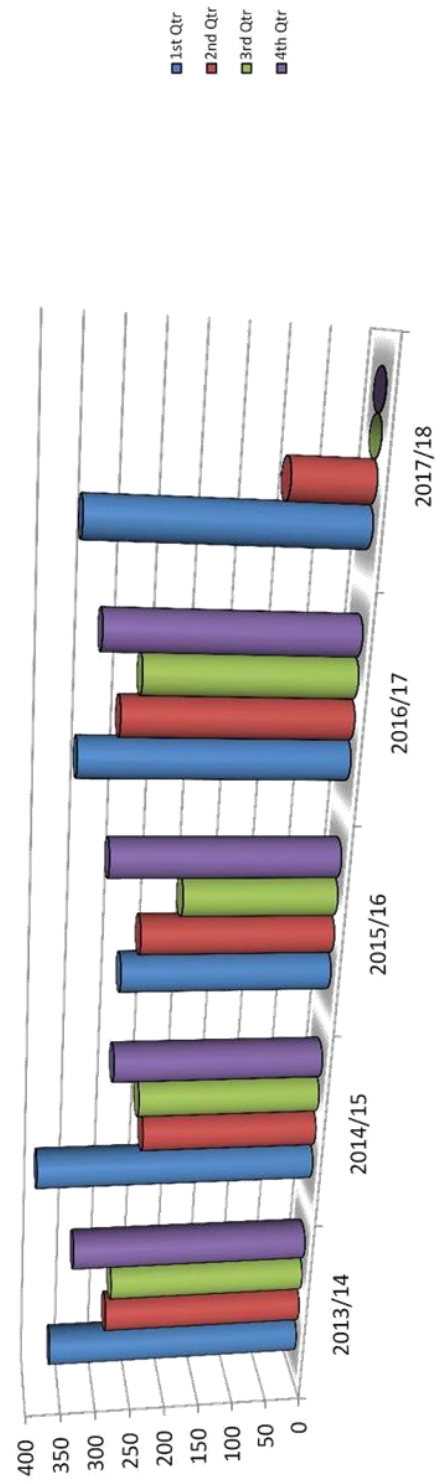
Approved By: Kim Kelly
General Manager, City Transformation

Building Consents

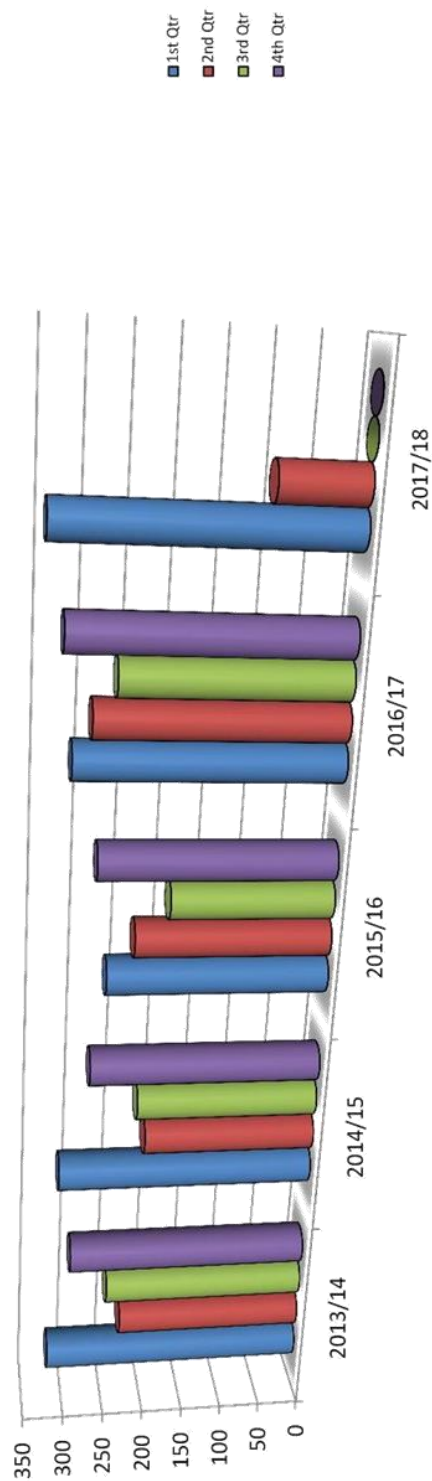
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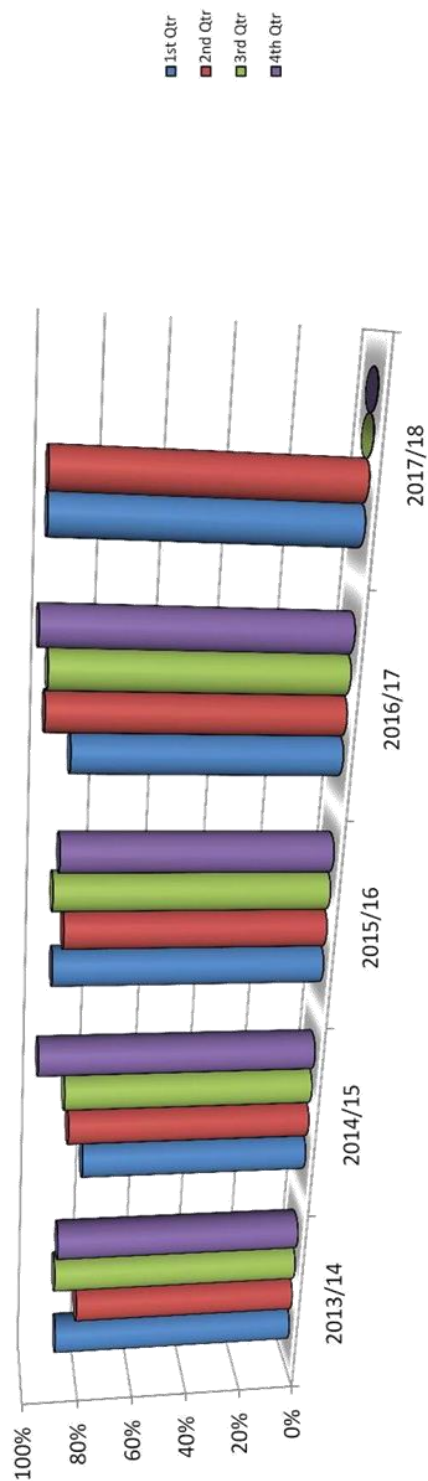
Building Consents granted



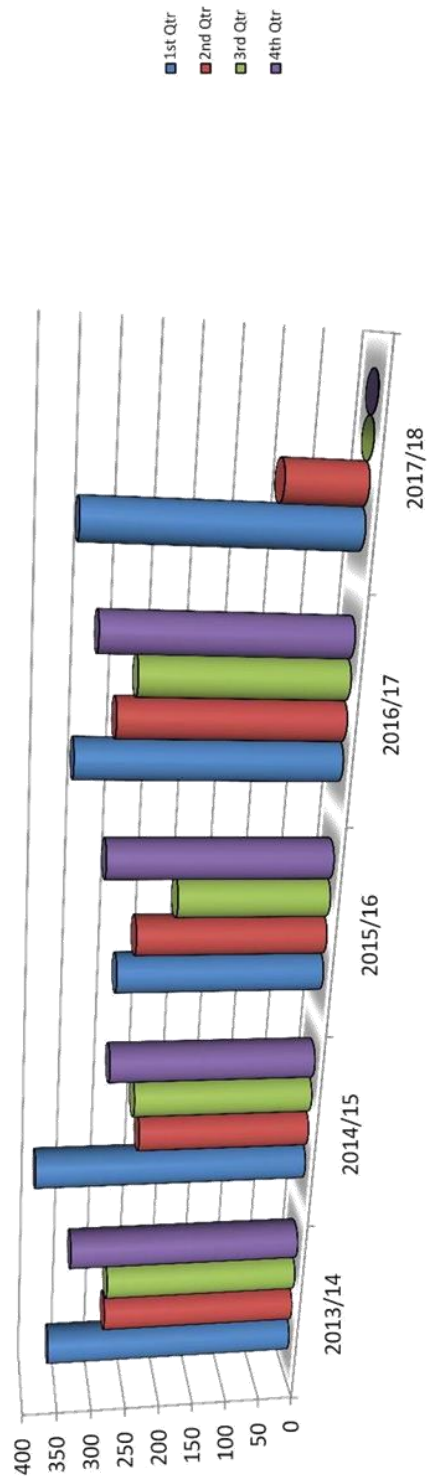
Building Consents granted within LTCCP Timeframe - 18 working days



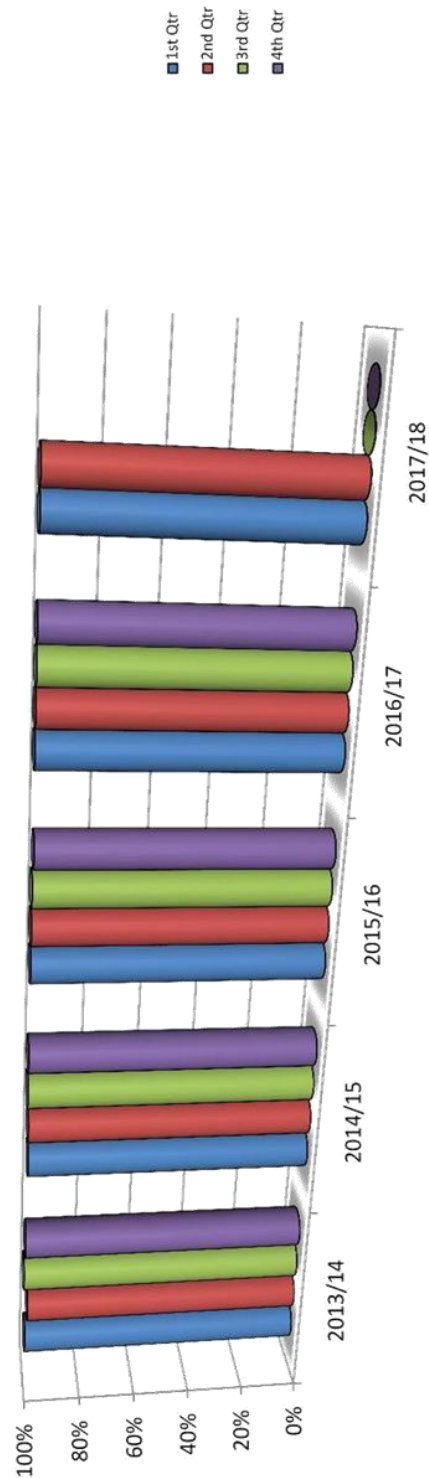
% of Building Consents granted within LTCCP Timeframe - 18 working days

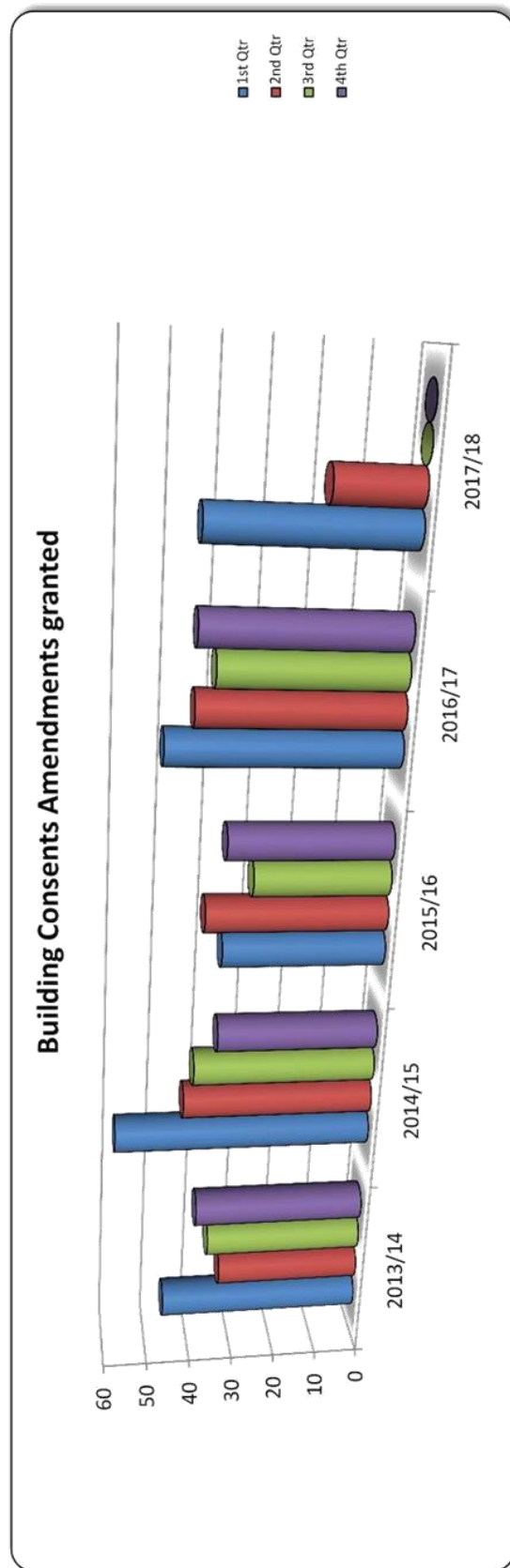
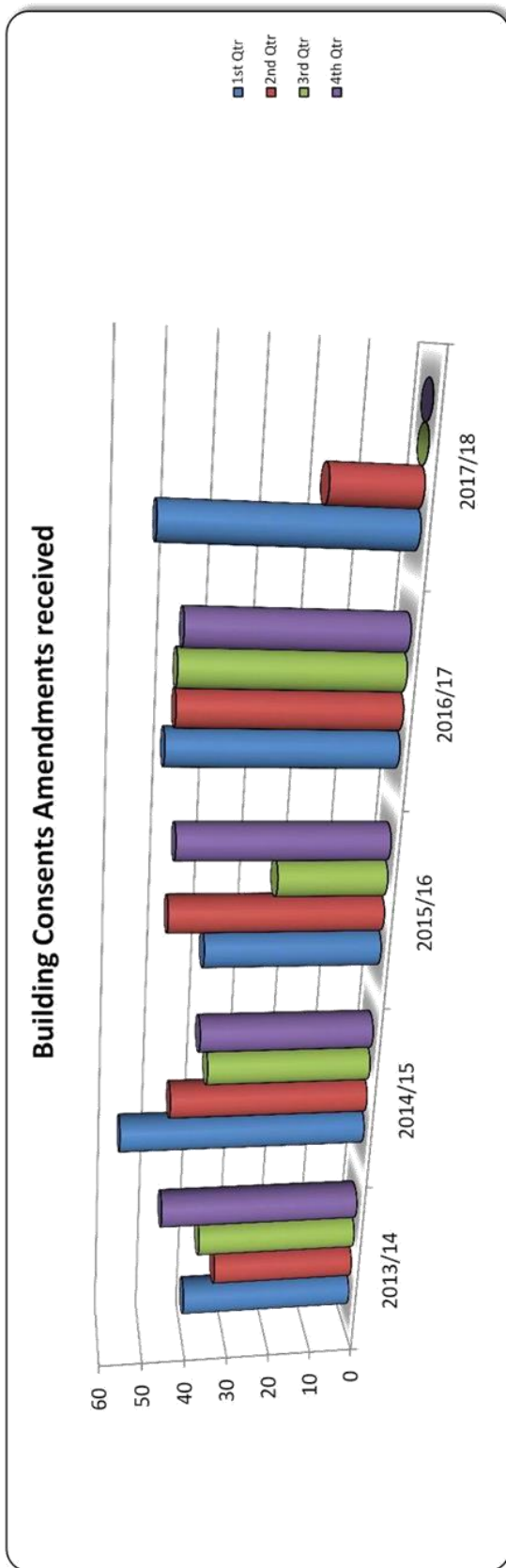


Building Consents granted within Statutory Timeframe - 20 working days

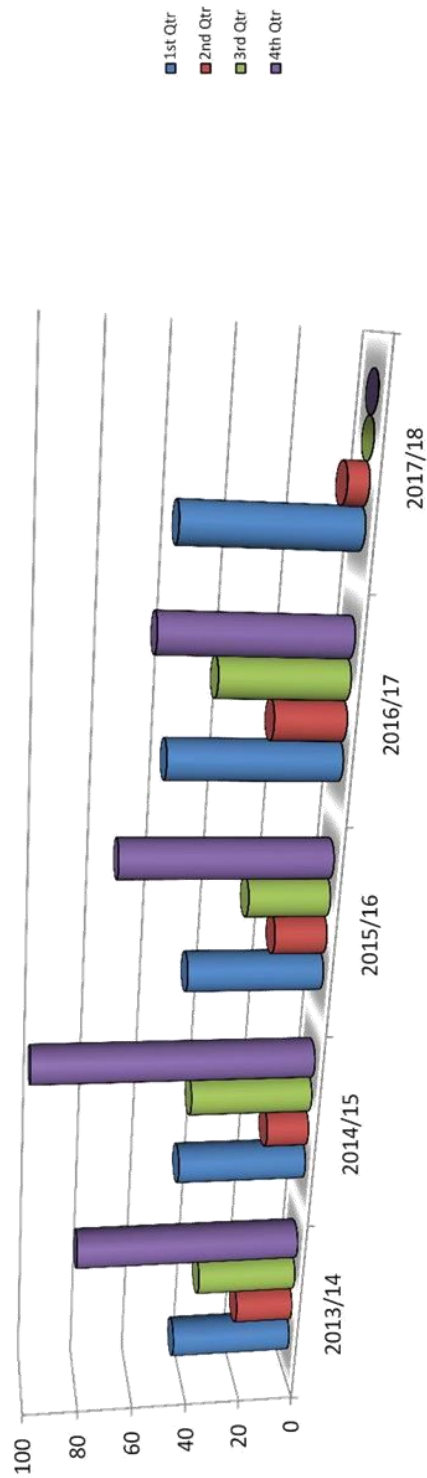


% of Building Consents granted within Statutory Timeframe - 20 Working Days

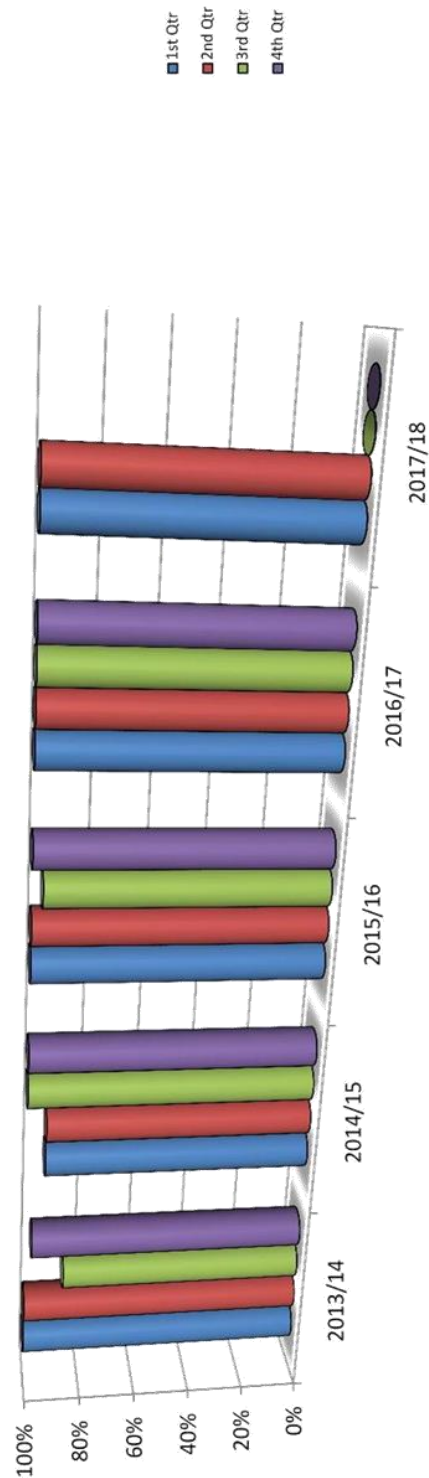


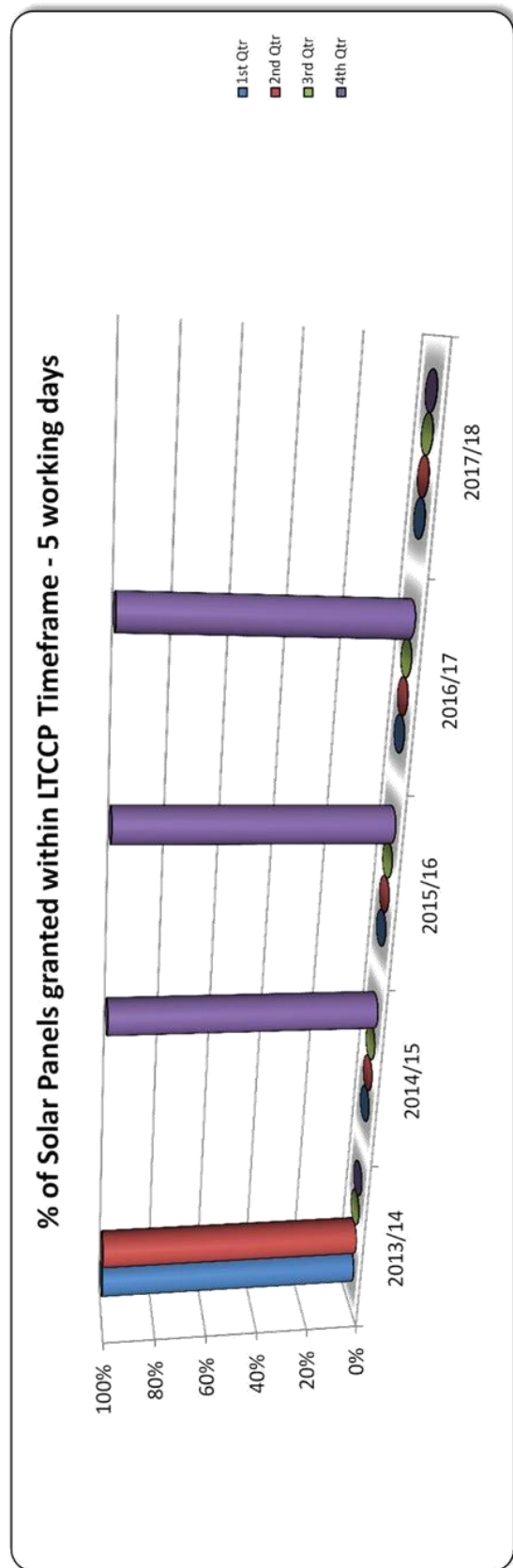
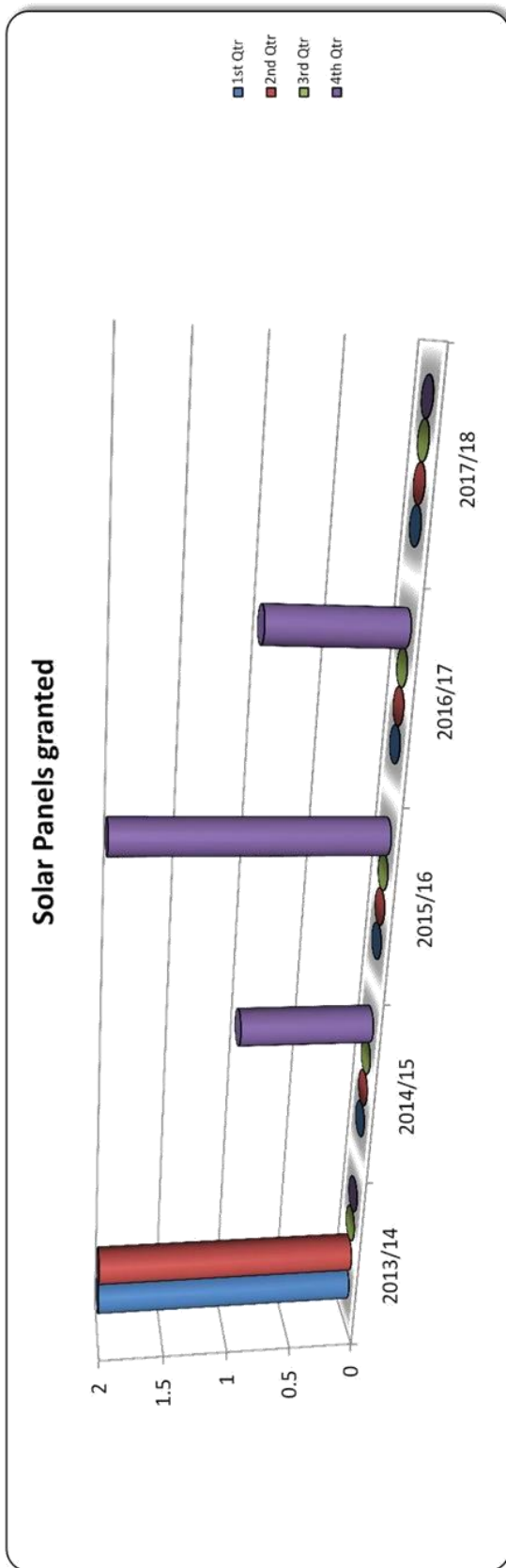


Wood Burners granted



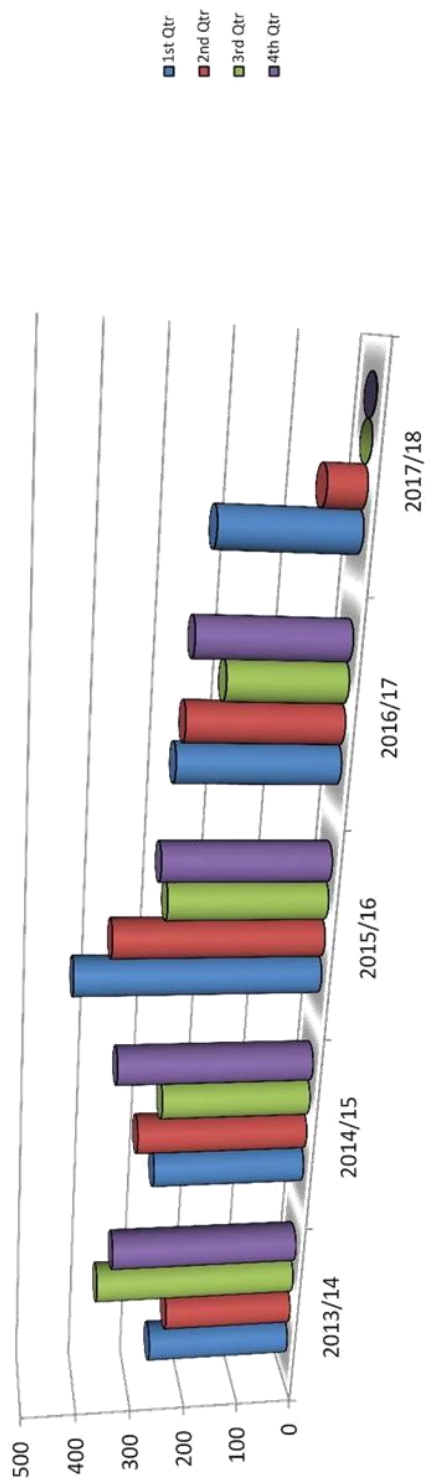
% of Heating Units granted within LTCCP Timeframe - 5 working days



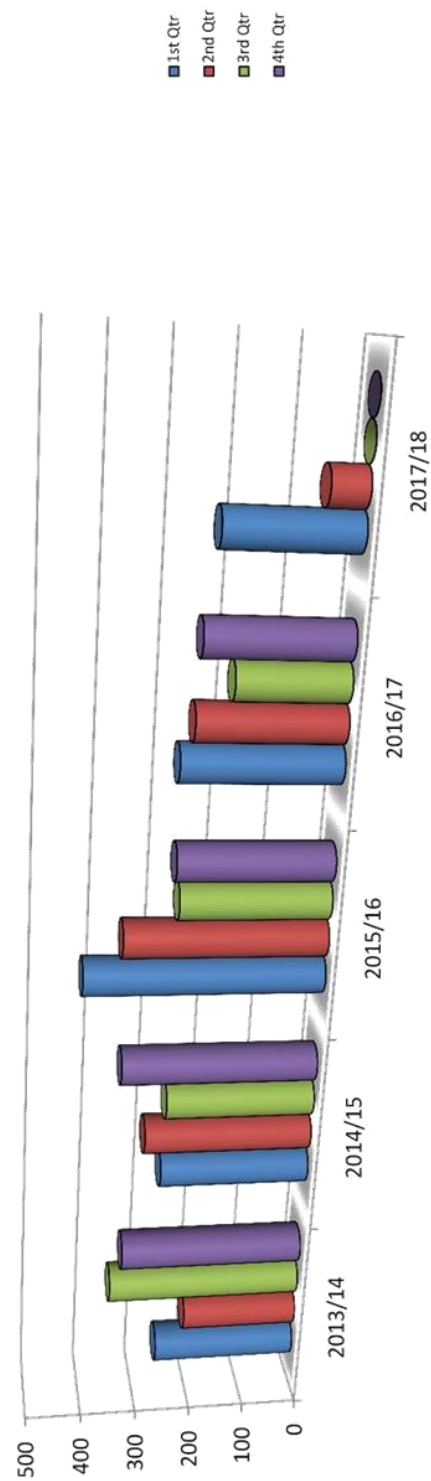


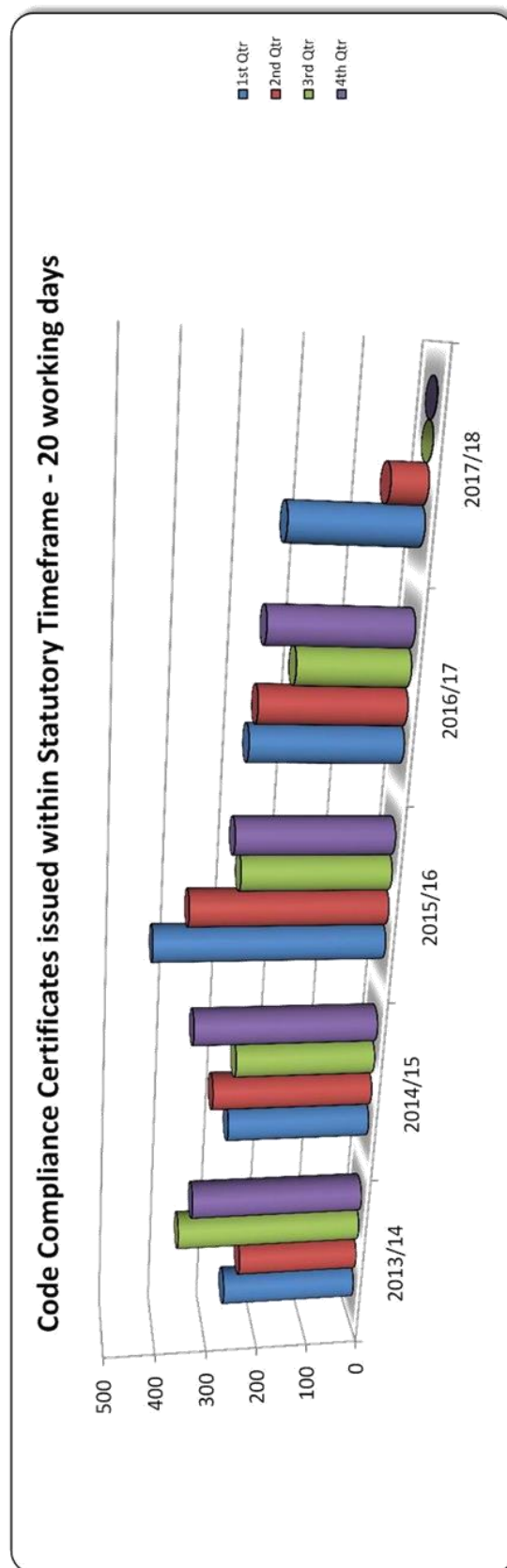
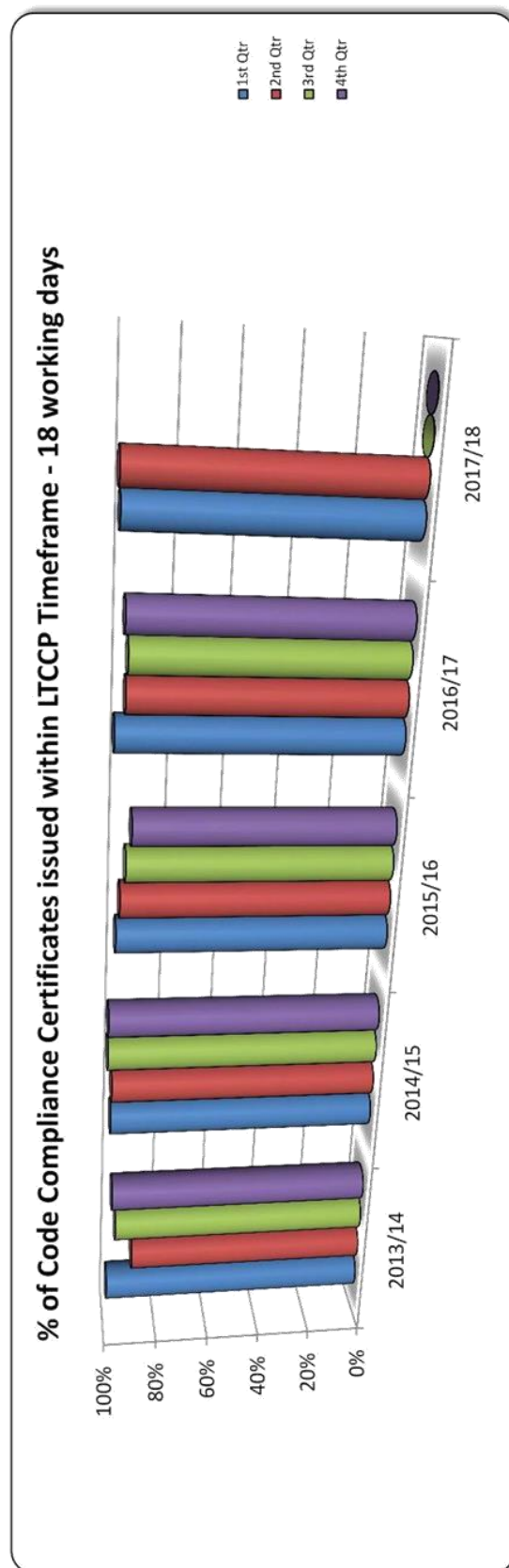
Code Compliance Certificates

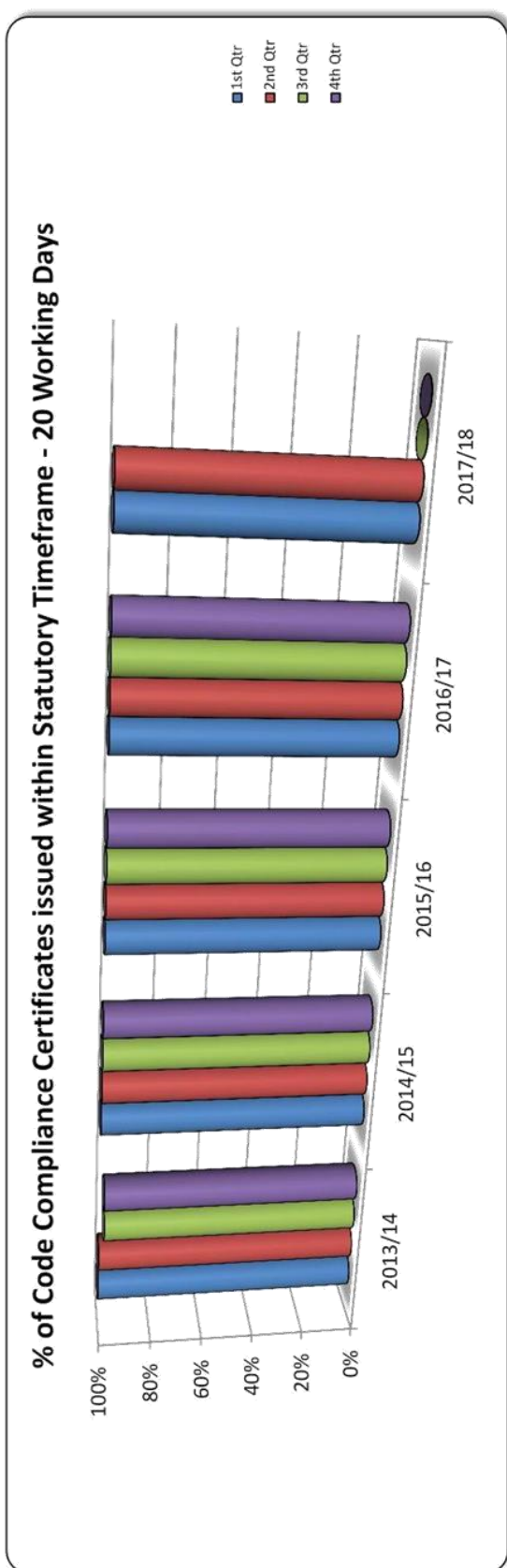
Code Compliance Certificates issued



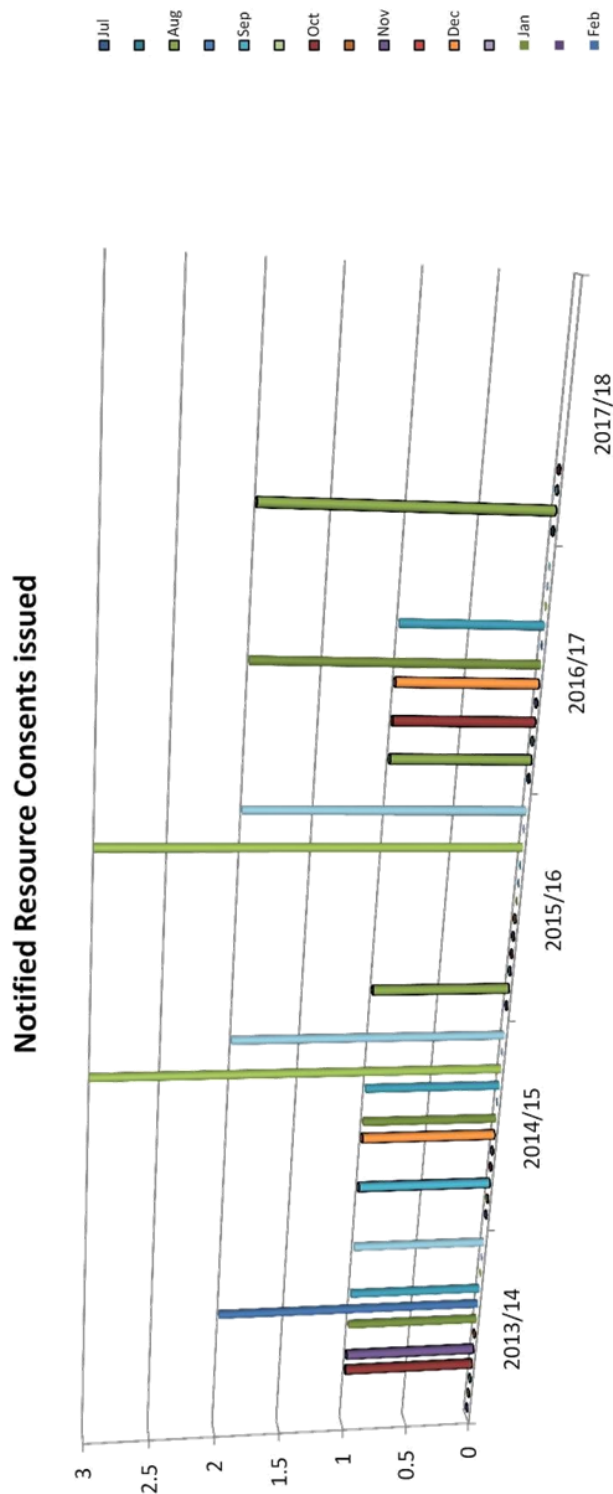
Code Compliance Certificates issued within LTCCP Timeframe - 18 working days

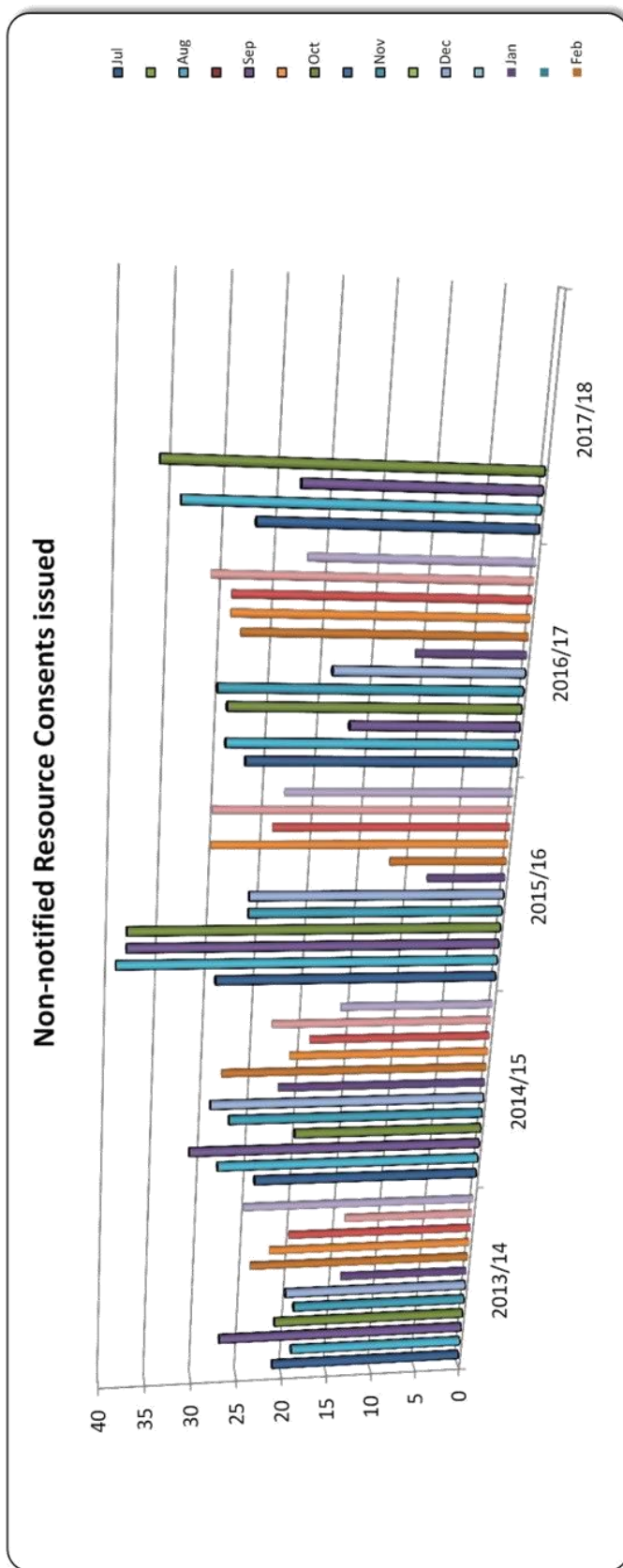




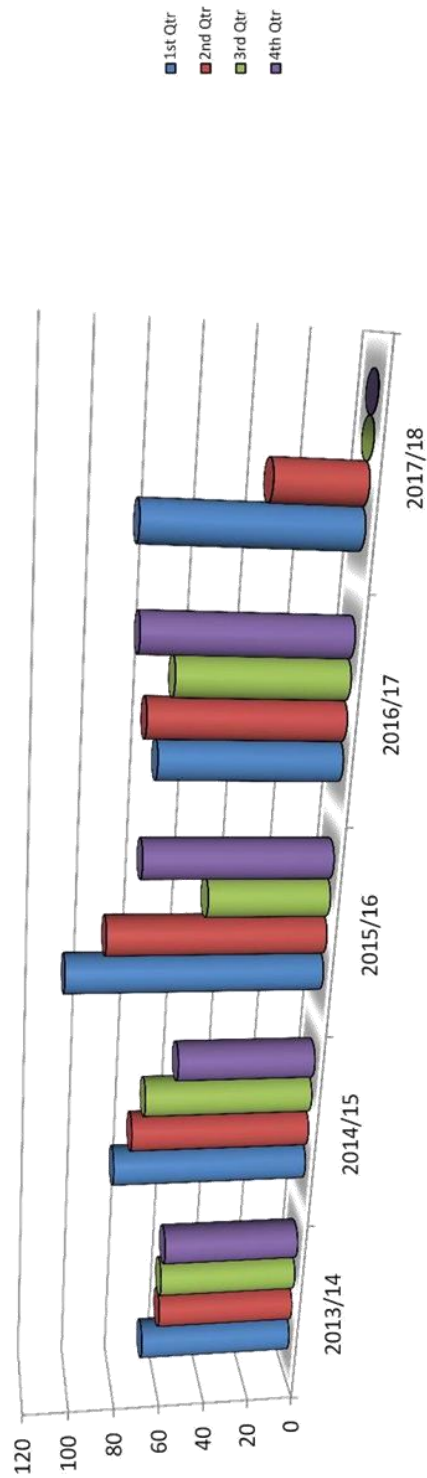


Resource Consents

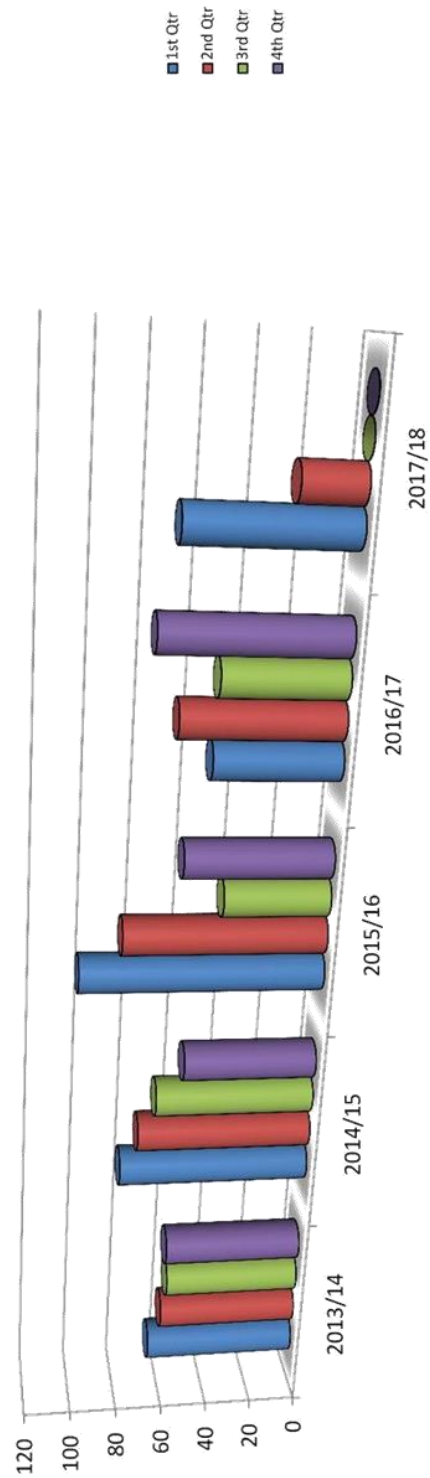


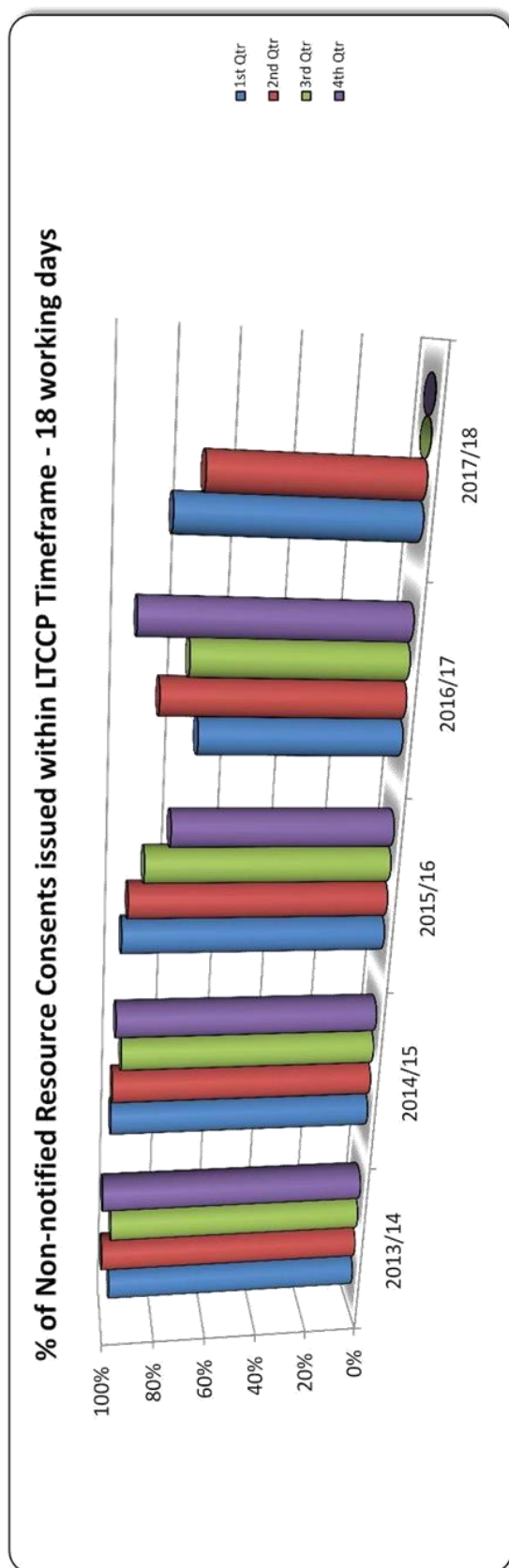


Non-notified Resource Consents issued

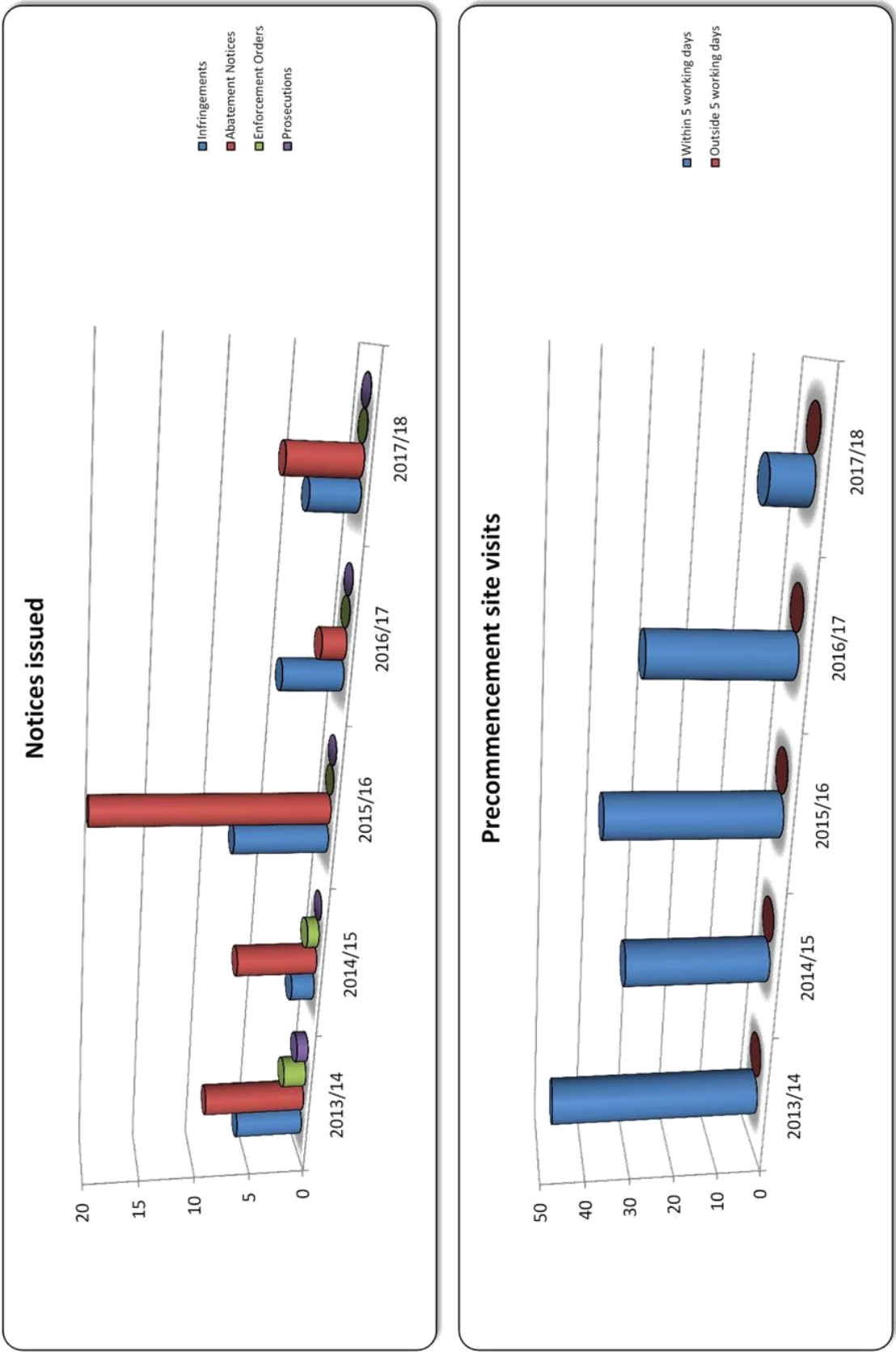


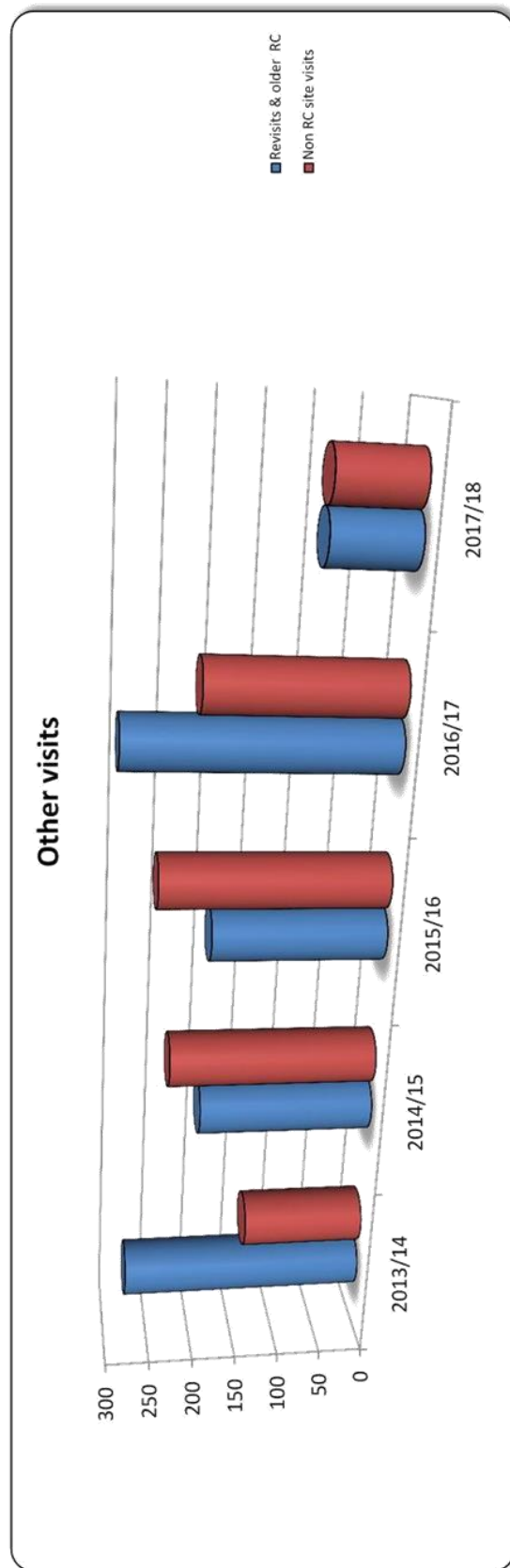
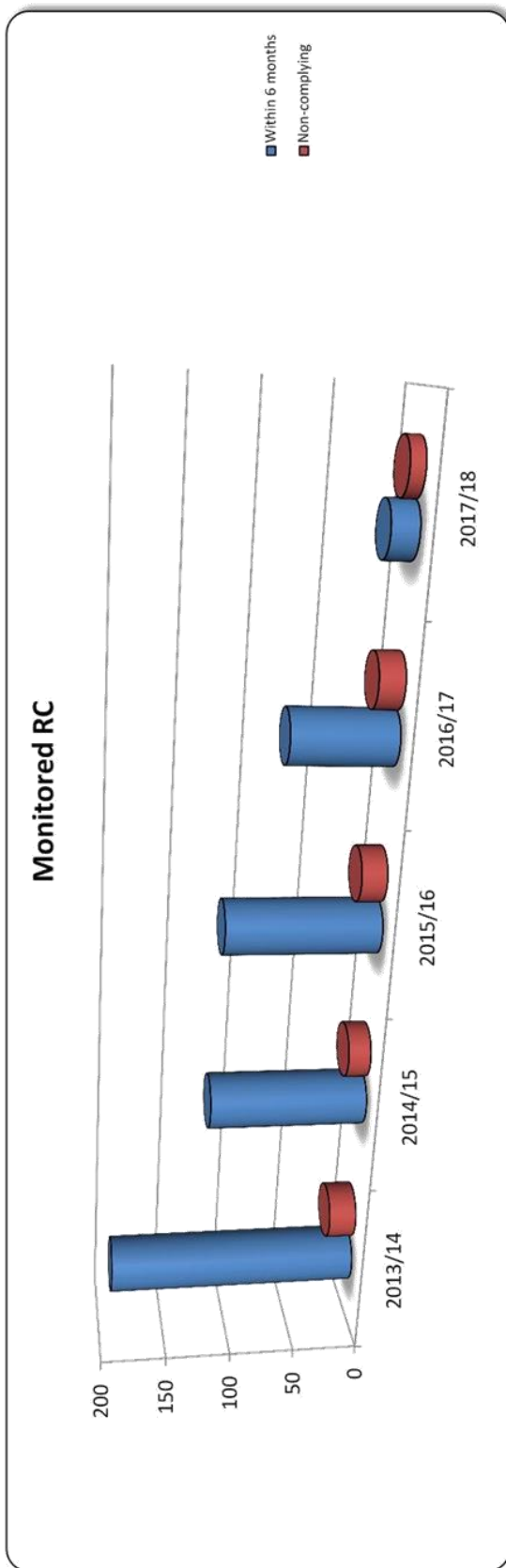
Non-notified Resource Consents issued within LTCCP Timeframe - 18 working days

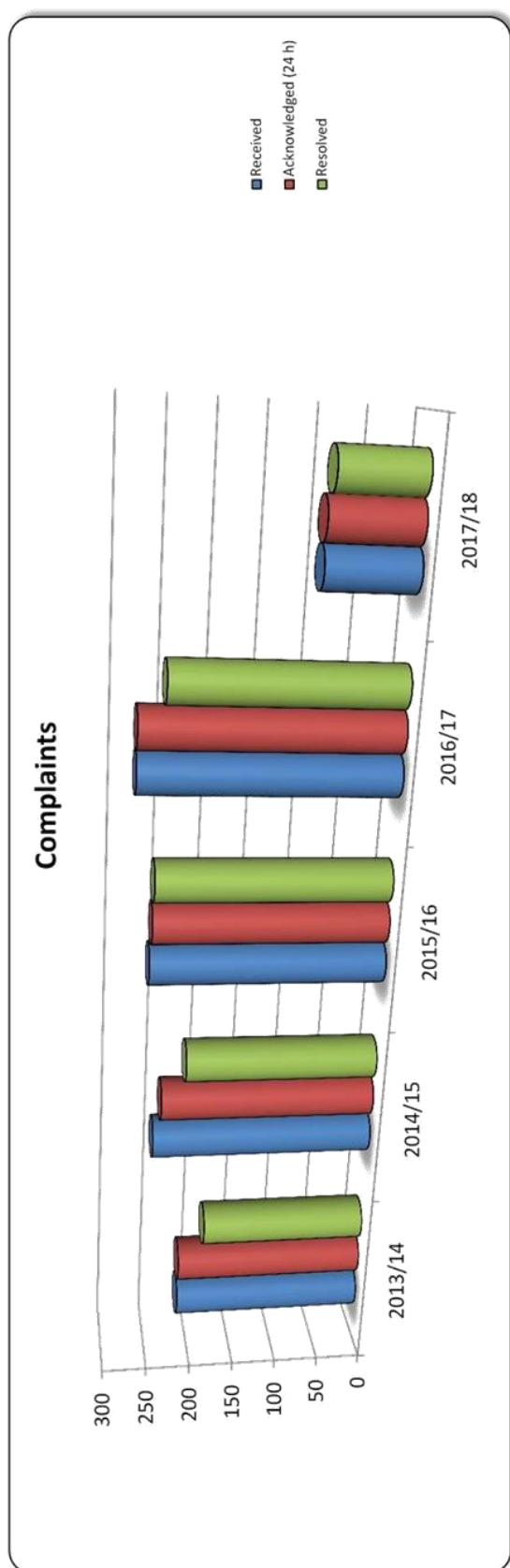




RC Monitoring

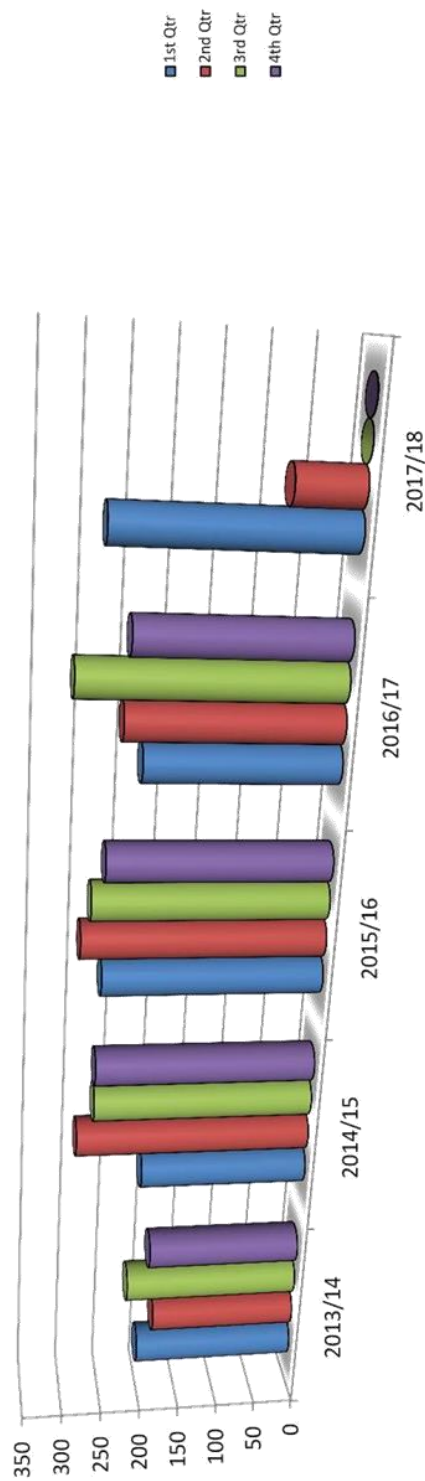




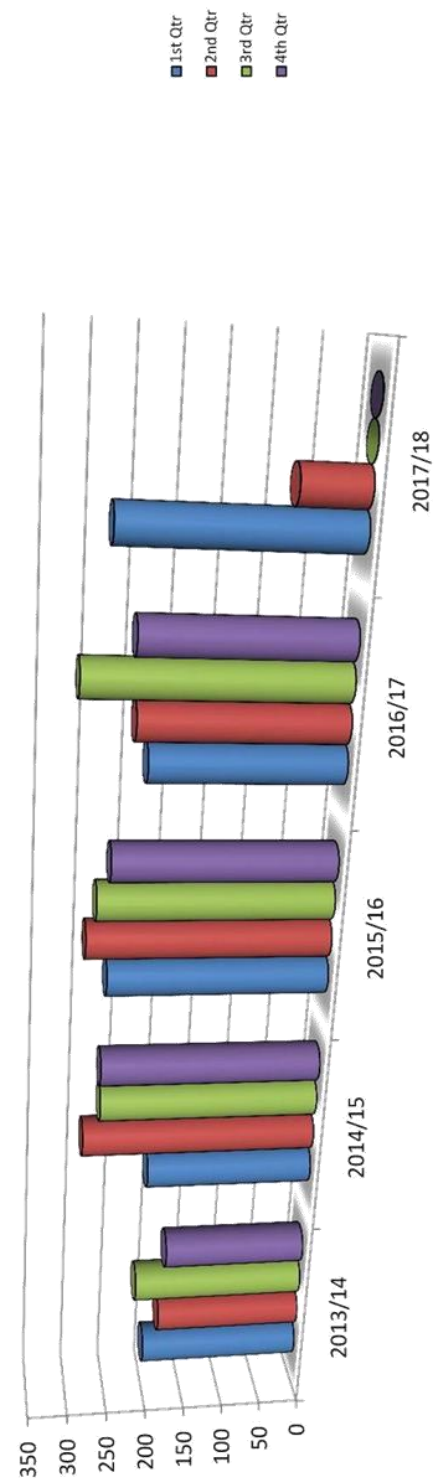


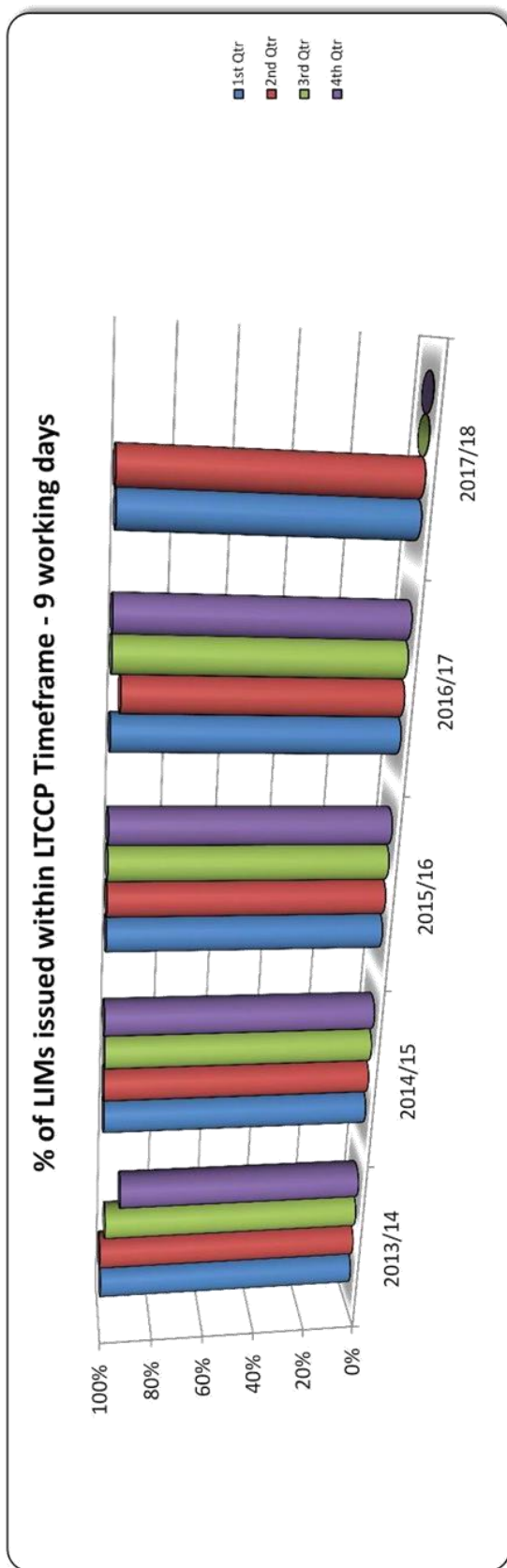
Lims

LIMs issued

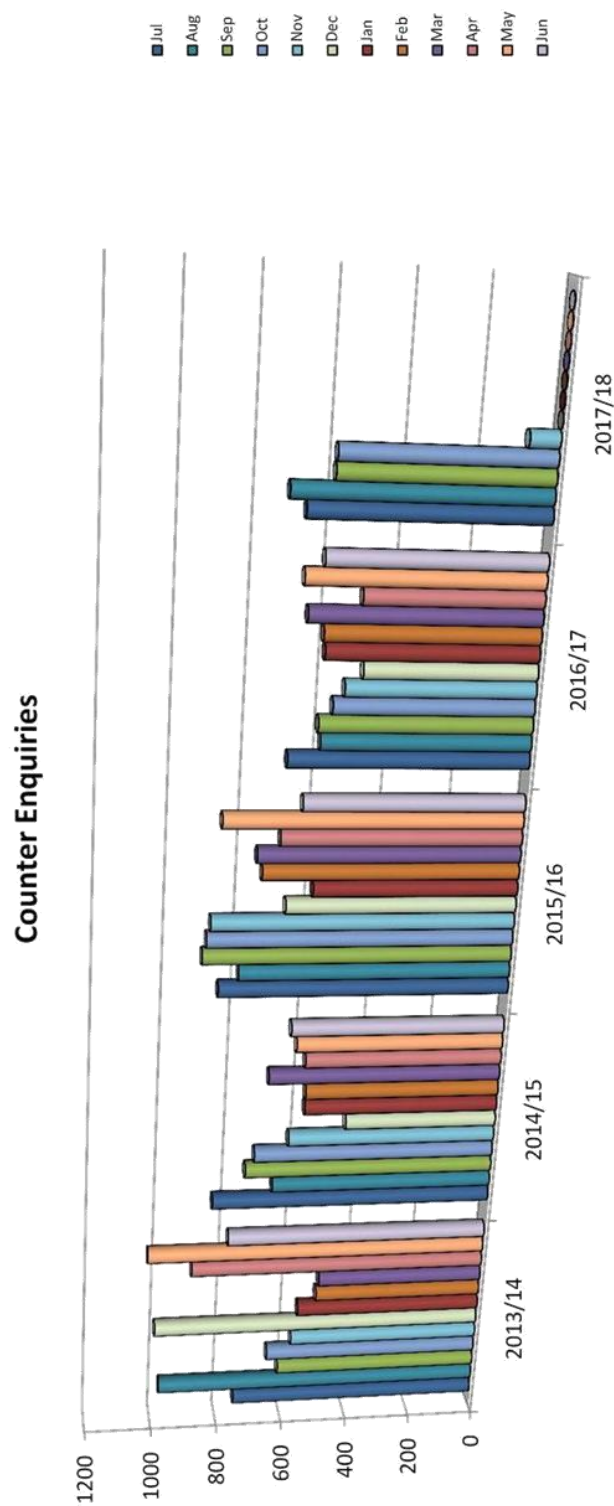


LIMs issued within LTCCP Timeframe - 9 working days



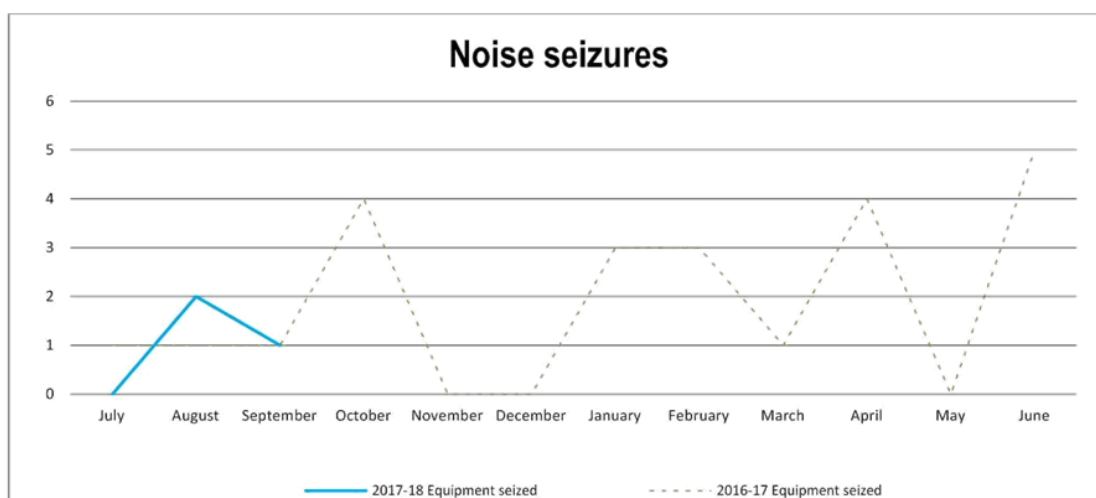
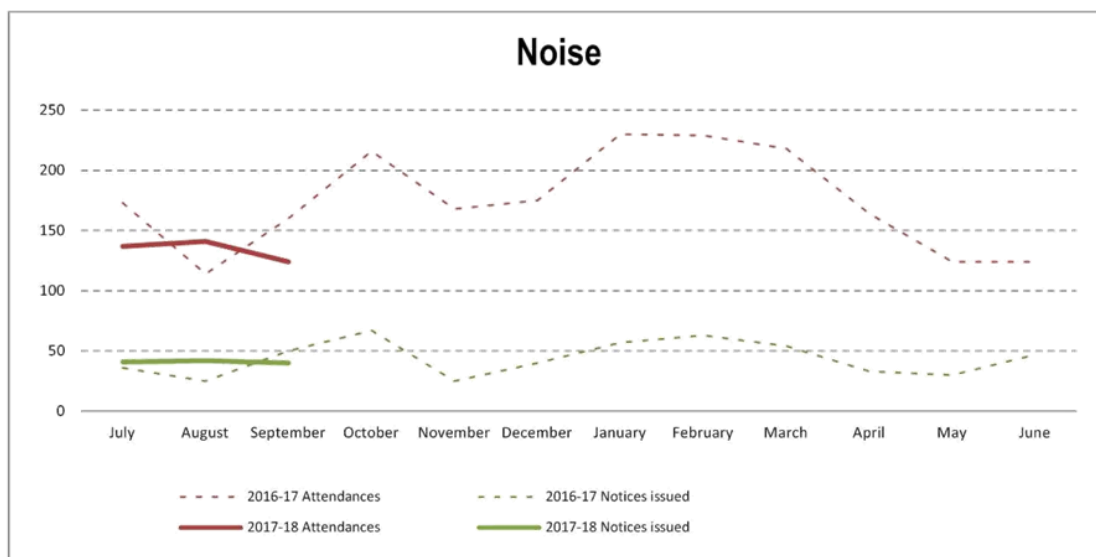


Support

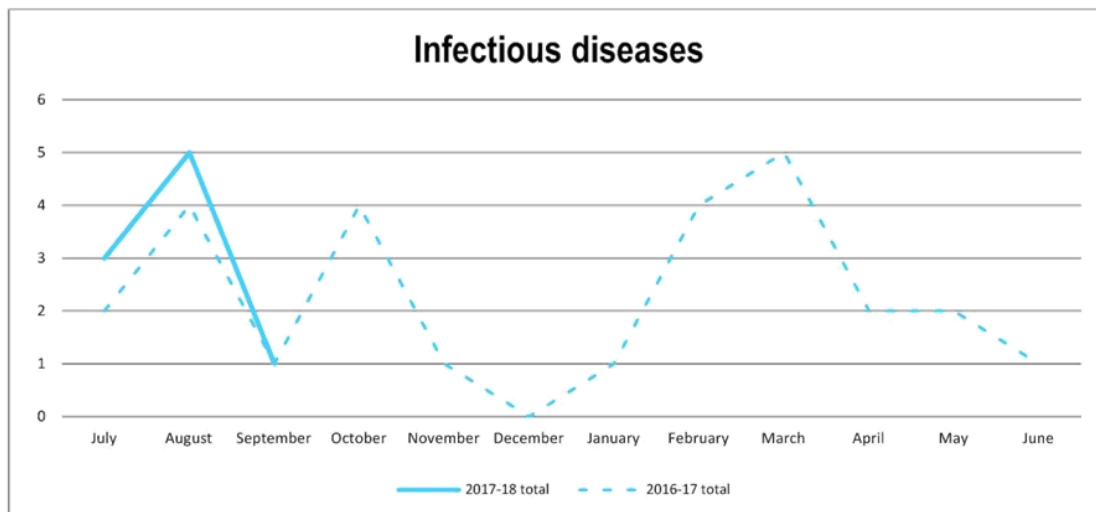


ENVIRONMENTAL INSPECTIONS

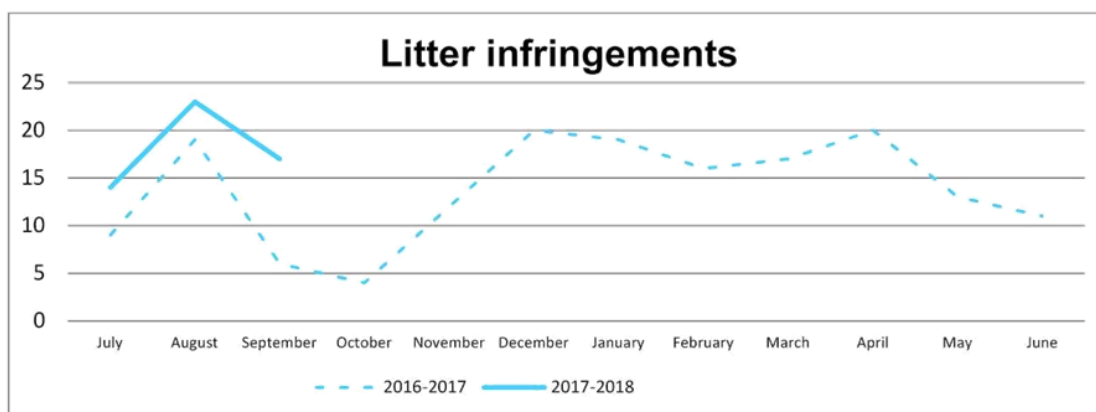
	July	August	September
Noise attendances	221	232	221
Noise notices issued	41	42	40
Noise equipment seized	-	2	1



	July	August	September
Infectious disease notifications	3	5	1



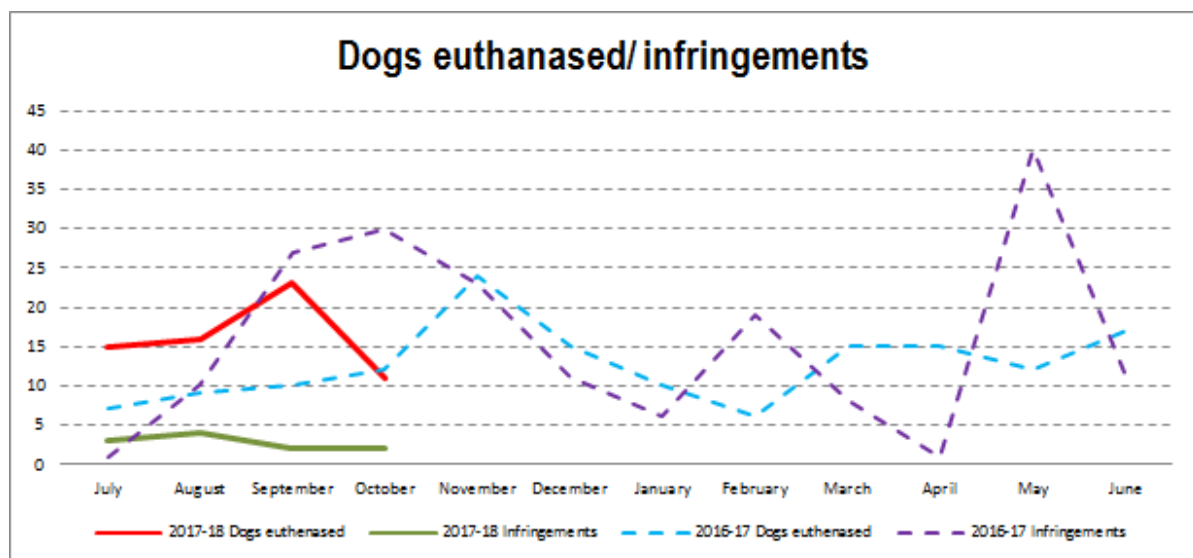
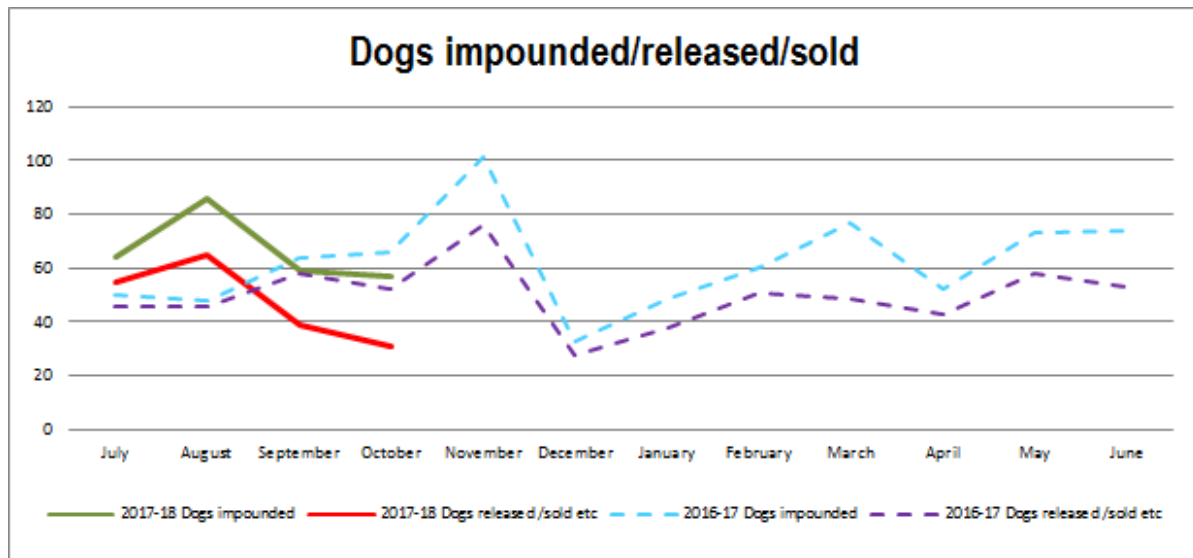
	July	August	September
Litter infringements	14	23	17



REGULATORY SERVICES – ENFORCEMENT ACTIONS to 31 October 2017

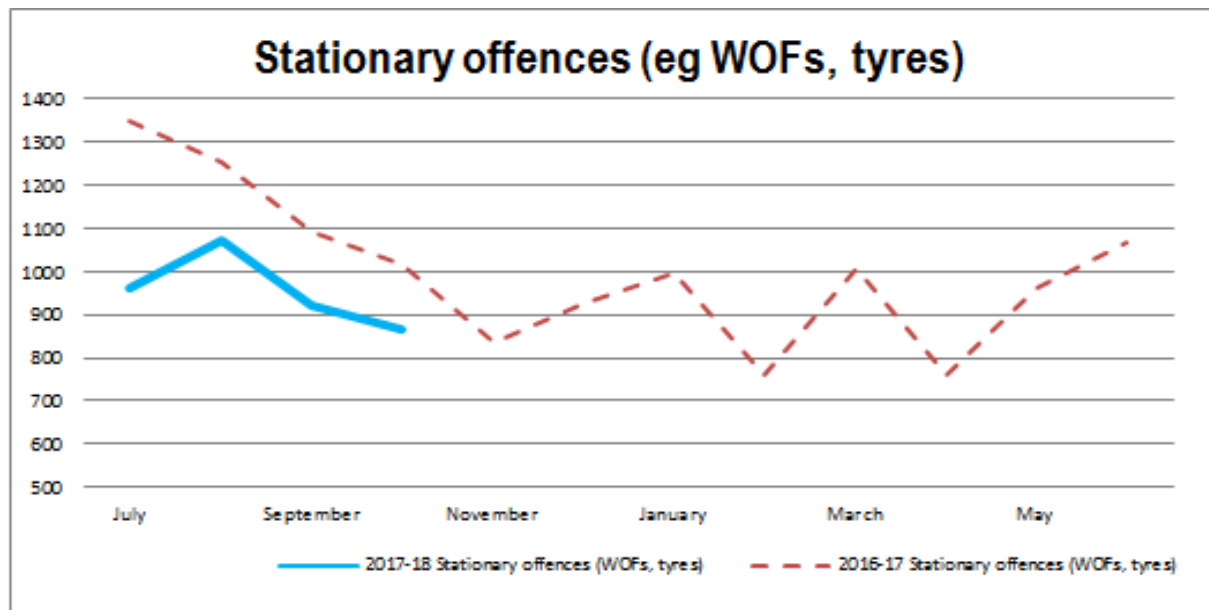
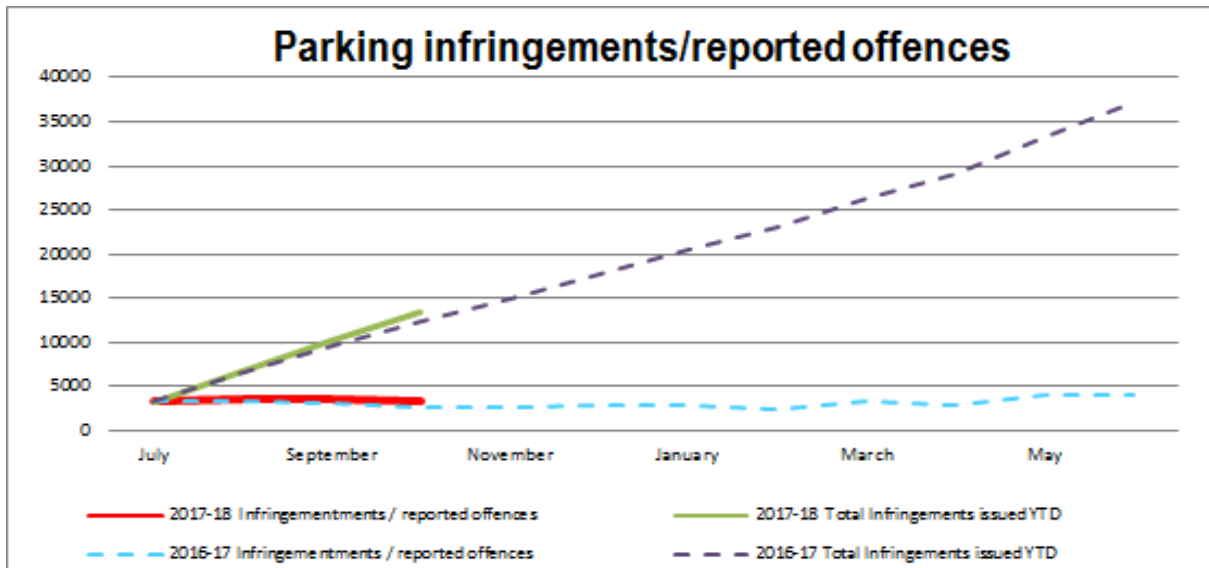
ANIMAL SERVICES

	September	October
Dogs impounded	59	57
Infringements issued	2	0
Prosecutions	1	0



PARKING SERVICES

	September	October
Infringements	3442	3331
Stationary offences (WOFs, tyres)	921	867



25 October 2017

File: (17/1639)

Report no: PRC2017/5/21

Policy and Regulatory Committee Work Programme

Recommendation

That the report be noted and received.

Appendices

No.	Title	Page
<u>1</u>	2018 Policy and Regulatory Committee Work Programme	263

Author: Susan Haniel
Committee Advisor

Approved By: Kathryn Stannard
Divisional Manager, Democratic Services

2018 POLICY & REGULATORY COMMITTEE WORK PROGRAMME

Description	Author	Cycle 1, 2018	Cycle 2, 2018	Cycle 3, 2018	Cycle 4, 2018	Cycle 5, 2018	Pending
General Manager's Report	K Kelly	✓	✓	✓	✓	✓	
Council's Naming Policy	W Moore	✓					
Private Use of Public Land (Encroachments)	W Moore	✓					
Electronic-Cigarettes and Outdoor Public Places	B Gall / J Pritchard	✓					
Smoke-free Policy – Report back on the following areas: the CBD, Jackson Street, Taita, Naenae, Moera and Queen Street (Wainuiomata)	B Gall / J Pritchard			✓			
Discount Registration for Therapy Dogs	L Dalton						✓
Risk and Resilience Costs Update	W Moore						✓
Activity Report: Environmental Management (Regulatory services and Emergency Management)	G Stuart						✓
Activity Report: Environmental Management (Environmental Consents)	G Stuart						✓