

HUTT CITY COUNCILPOLICY AND REGULATORY COMMITTEE

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

Monday 27 November 2017 commencing at 5.30pm

PRESENT:

Cr MJ Cousins (Chair) (until 7.22pm)	
Cr C Barry	Deputy Mayor D Bassett
Cr L Bridson	Cr J Briggs
Cr S Edwards (Deputy Chair) (until 7.22pm)	
Cr T Lewis	Cr M Lulich
Cr C Milne	Cr L Sutton

APOLOGIES: An apology was received from Mayor WR Wallace.

IN ATTENDANCE:

Mr T Stallinger, Chief Executive
 Ms K Kelly, General Manager, City Transformation
 Mr B Hodgins, Divisional Manager, Parks and Gardens (part meeting)
 Ms W Moore, Divisional Manager, Strategy and Planning (part meeting)
 Mr J Pritchard, Senior Research/Policy Advisor (part meeting)
 Mr G Sewell, Principal Policy Advisor
 Mr J Hoyle, Communications and Marketing Advisor
 Ms D Male, Committee Advisor

PUBLIC BUSINESS1. APOLOGIES

RESOLVED: (Cr Cousins/Cr Lewis)

Minute No. PRC 17501(2)

"That the apology from received from Mayor Wallace be accepted and leave of absence be granted."

2. PUBLIC COMMENT

Comments are recorded under the item to which they relate.

3. CONFLICT OF INTEREST DECLARATIONS

Crs Cousins and Edwards declared a conflict of interest in item 11 Proposed Amendment to Local Alcohol Policy and took no part in discussion or voting on the matter. Cr Sutton declared a conflict of interest in item 4h) Public Art Policy and Interim Public Art Guidelines and took no part in discussion or voting on the matter.

4. RECOMMENDATIONS TO COUNCIL - 12 December 2017

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

Speaking under public comment, **Mr S Pattinson**, an Architect, gave a short presentation around options for the use of the land for medium density housing. He asked Council to retain the land to be at the forefront of how medium density housing was used, instead of ownership going to Housing New Zealand. He spoke about the need for small pieces of land to meet their potential to contribute to communities. This was based on research conducted on a number of cities including Upper Hutt and others in the United Kingdom.

In response to questions from members, Mr Pattinson advised that he had not spoken directly to Housing New Zealand, he was encouraged to do so and would liaise with Cr Bridson, as Ward Councillor, if necessary.

The Divisional Manager, Parks and Gardens elaborated on the report. In response to a question from a member, he confirmed that the property to be relinquished was Crown owned land, not Council owned.

RECOMMENDED:(Deputy Mayor Bassett/Cr Bridson) **Minute No. PRC 17502(2)**

"That the Committee recommends that Council agrees to revoke the reserve status of the property at 9A Durham Crescent, Epuni 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."

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

The Divisional Manager, Parks and Gardens elaborated on the report.

RECOMMENDED: (Deputy Mayor Bassett/Cr Edwards)**Minute No. PRC 17503(2)**

"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."

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

The Divisional Manager, Parks and Gardens elaborated on the report. Further information had been requested by the Chair on whether or not the area marked C2, within the officer's report, could be sectioned off and developed. Area C2 was located at the top of Korimako Road in Days Bay. The area had been reviewed and found there was potential to develop the land and split into two sections. However, an ecological assessment conducted last week had found mature Rata and Black Beech trees in area C2, which were of ecological importance. Officers recommended to retain the area marked C2 as reserve and not proceed any further.

In response to questions from members the Divisional Manager, Parks and Gardens informed members that an approximate value, for making two sections out of the land, would be \$700-800k and that there would be a requirement to consult should Council decide to consider using the land for another purpose.

RECOMMENDED: (Cr Lewis/Cr Sutton)	Minute No. PRC 17504(2)
<i>"That the Committee recommends that Council:</i>	
<i>(i) notes that seventeen submissions were received with fourteen submissions supporting the proposed reserve declaration and classification;</i>	
<i>(ii) thanks submitters for participating in the consultation process;</i>	
<i>(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;</i>	
<i>(iv) agrees that areas A, B, C, D, F and G, illustrated on the plan in section seven of the report, be classified as Recreation Reserve in accordance with section 17 of the Reserves Act 1977;</i>	
<i>(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</i>	
<i>(vi) directs officers to publish the classifications, as resolved at this meeting, in the New Zealand Gazette."</i>	

Members discussed the merits of requesting further information to determine whether part of area C2 was developable, prior to the Council meeting in December.

RECOMMENDED: (Cr Milne/Cr Edwards) (BY DIVISION) Minute No. PRC 17505(2)
<i>"That the Committee request officers to provide further information on whether a portion of area C2 could be developed without negatively impacting on the ecological values of the site for consideration by Council at its meeting of 12 December 2017, to make a fully considered and informed decision."</i>

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

For

Cr Bridson

Against

Deputy Mayor Bassett

Cr Barry	Cr Lulich
Cr Briggs	Cr Sutton
Cr Cousins	
Cr Edwards	
Cr Lewis	
Cr Milne	

Total: 7

Total: 3

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

Speaking under public comment, **Ms H Swales**, representing the Jackson Street Programme (JSP), said she preferred option mechanisms like those used in Taupo, Wellington City and New Plymouth, to monitor parking, frequency and the option to call through to parking wardens. To future-proof options and retain unpaid parking. The JSP would like measures introduced for Jackson Street where developers applied for consents without the inclusion of on-site parking. She commented that the road hierarchy documents were not available on the Council website, a copy was only provided when requested.

In response to questions from members, Ms Swales advised that the consultation information had been sent to members of the JSP to make submissions upon individually, they had declined to draft one response on behalf of all members. She believed that a number of residents were not aware of the consultation open days, as these clashed with big sporting matches.

Speaking under public comment, **Mr M Fisher**, representing the Petone Community Board thanked officers for facilitating the consultation open day. He was surprised at the low number of survey responses, which may have been due to the Parking Policy not relating to specific areas, such as Jackson Street. He commented that paid parking was a fear for residents of Petone, as the Parking Policy referred to the use of paid parking as a tool. The residents parking scheme at High Street, Petone was a concern to residents. The road hierarchy was supported by the Petone Community Board.

In response to questions from members Mr Fisher explained that time management for parking had been discussed at the Petone Community Board and the use of technology. His opinion on a similar residents parking scheme working across the city was that it may need some form of compromise, in line with the road hierarchy. He commented it could be required in school areas.

The Senior Research/Policy Advisor elaborated on the report. He advised that the consultation survey had been publicised on the Council website, in Hutt News, workshops were held and stakeholders not able to attend, were consulted. He further advised that the consultation survey was also part of the Petone Community Board recent meeting and publicised on the Petone Community Board's Facebook page.

In response to questions from members, the Senior Research/Policy Advisor accepted the comments from the JSP in relation to technology, sensor technology was considered and to developers without sufficient off-street parking. The Divisional Manager, Strategy and Planning added that

arrangements were made to provide a copy of the road hierarchy document when requested, as the document was around 300 pages. She also said that low level in interest for survey submissions may have been due to the more theoretical nature of the policy, not related to specific areas.

Cr Barry left the meeting at 6.28pm.

In response to a question from a member, the Senior Research/Policy Advisor said that promotion of public transport would evolve from the policy, they worked with Greater Wellington Regional Council who provided park and ride facilities.

Cr Barry re-joined to the meeting at 6.34pm.

The Senior Research/Policy Advisor advised that the road hierarchy would be used as a guide to make consistent decisions, the Transport Team had experience of using such types of hierarchy. Pricing for parking was a good mechanism to use, but did not have to be applied.

The Chair suggested that the Parking Policy be reviewed in 18 months.

Deputy Mayor Bassett expressed concern that the survey had not reached all residents who may have wished to comment. He supported the review of the Parking Policy in 18 months.

RECOMMENDED: (Cr Cousins/Cr Lewis)	Minute No. PRC 17506(2)
<i>"That the Committee recommends that Council:</i>	
<i>(i) approves the Parking Policy, as attached as Appendix 2 to the report, with the changes made as a result of the consultation process; and</i>	
<i>(ii) asks officers to review the policy in 18 months."</i>	

e) Cemeteries Bylaw 2017 (17/1541)

RECOMMENDED: (Cr Sutton/Cr Barry)	Minute No. PRC 17507(2)
<i>"That the Committee recommends that Council:</i>	
<i>(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;</i>	
<i>(ii) determines that, in accordance with section 155 of the Local Government Act 2002, the proposed bylaw –</i>	
<i>a. Is the most appropriate form of bylaw;</i>	
<i>b. Does not give rise to any implications under the NZ Bill of Rights Act 1990;</i>	
<i>and</i>	
<i>(iii) agrees to revoke the existing Cemeteries Bylaw 2007 and adopt the Cemeteries Bylaw 2017, attached as Appendix 3 to the report, effective from 1 January 2018."</i>	

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

RECOMMENDED: (Deputy Mayor Bassett/Cr Barry)	Minute No. PRC 17508(2)
<i>"That the Committee recommends that Council:</i>	
<i>(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;</i>	
<i>(ii) notes that the Policy and Regulatory Committee has recommended to Council that the proposal as noted in (i) above be approved without amendment;</i>	
<i>(iii) determines that, in accordance with section 155 of the Local Government Act 2002, the proposed bylaw –</i>	
<i>a. is the most appropriate form of bylaw;</i>	
<i>b. does not give rise to any implications under the NZ Bill of Rights Act 1990;</i>	
<i>and</i>	
<i>(iv) agrees to revoke the existing Parks and Reserves Bylaw 2007 and adopt the Parks and Reserves Bylaw 2017, attached as Appendix 4 to the report, effective from 1 January 2018."</i>	

g) Traffic Bylaw 2017 (17/1563)

Speaking under public comment, **Ms H Swales**, representing the Jackson Street Programme, said the Bylaws did not talk the same language, they needed to be consistent when looking at Bylaws. She also said that residential parking needed to be considered and loading bays on Jackson Street should be installed.

In response to a question from a member, Ms Swales confirmed that JSP had missed the consultation submission date.

RECOMMENDED:	(Cr Sutton/Cr Bridson)	Minute No. PRC 17509(2)
<i>"That the Committee recommends that Council:</i>		
<i>(i) notes that no submissions were received with respect to the proposal to revoke the Traffic Bylaw 2007 and adopt the Traffic Bylaw 2017;</i>		
<i>(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;</i>		
<i>(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;</i>		
<i>(iv) determines that, in accordance with section 155 of the Local Government Act 2002, the proposed bylaw –</i>		
<i>a. Is the most appropriate form of bylaw;</i>		
<i>b. Does not give rise to any implications under the NZ Bill of Rights Act 1990;</i>		
<i>and</i>		
<i>(v) agrees to revoke the existing Traffic Bylaw 2007 and adopt the Traffic Bylaw 2017, attached as Appendix 3 to the report, as outlined in (iii) above, effective from 1 January 2018, in accordance with section 156 of the Local Government Act 2002."</i>		

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

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

Speaking under public comment, **Ms H Swales**, representing the Jackson Street Programme, said that the officer's report noted work was continuing on guidelines and she asked if they were still being worked on and would they go out for public consultation.

The Divisional Manager, Strategy and Planning elaborated on the report. In relation to the question from the public speaker regarding the guidelines, she confirmed she was happy to consult further on the guidelines.

She informed of a request from Ms Liz Mellish, representing the Port Nicholson Block Settlement Trust, to advise that Ms Mellish was very happy with the

policy, happy to work further on the guidelines and supported public art. Ms Mellish would like to see another Maori or Pacific Islands representative on the Public Art Advisory Group going forward.

In response to questions from members, the Divisional Manager, Strategy and Planning advised that the terms of reference were reported to the Arts and Culture Subcommittee for information only. Officers had been asked to delay the work until the art audit had been undertaken, which had been completed.

MOVED: (Cr Cousins/Deputy Mayor Bassett)

That the Committee recommends that Council:

- (i) approves the draft Public Art Policy, attached as Appendix 1 to the report;
- (ii) notes the proposed membership of the Public Art Advisory Group and the draft Terms of Reference for that Group will be reported at the next meeting;
- (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.

The motion was declared LOST on a show of hands with three votes in favour and six against.

MOVED: (Cr Barry/Cr Briggs)

That the Committee recommends that Council:

- (i) approves the draft Public Art Policy, attached as Appendix 1 to the report;
- (ii) approves the proposed membership of the Public Art Advisory Group, attached as Appendix 2 to the report and the draft Terms of Reference for that Group, attached as Appendix 3 to the report;
- (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.

RECOMMENDED: (Cr Barry/Cr Briggs) **Minute No. PRC 17510(2)**

"That the Committee recommends that Council:

- (i) approves the draft Public Art Policy, attached as Appendix 1 to the report;*
- (ii) approves the proposed membership of the Public Art Advisory Group, attached as Appendix 2 to the report and the draft Terms of Reference for that Group, attached as Appendix 3 to the report;*
- (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."*

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

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

In response to questions from members, the Chief Executive explained that development contributions could be quite complicated and needed thorough planning due to Council not being able to charge a new developer for remediation of current issues. He noted that Asset Management Plans were key, a focus would be on the CBD, for example with waste water, if increased pressure due to a rise in developments charges would be considered.

Cr Barry left the meeting at 7.08pm.

RECOMMENDED: (Cr Milne/Cr Lewis) **Minute No. PRC 17511(2)**

"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 publicly 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."*

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

RECOMMENDED: (Cr Bridson/Deputy Mayor Bassett) **Minute No. PRC 17512(2)**

"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."*

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

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

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

Cr Barry re-joined the meeting at 7.12pm.

RESOLVED: (Cr Edwards/Cr Briggs)

Minute No. PRC 17513(2)

"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."*

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

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

RESOLVED: (Cr Bridson/Cr Barry)

Minute No. PRC 17514(2)

"That the Committee:

- (i) notes that in accordance with the Reserves Act 1977 Council has publicly notified its intention to issue new leases and licences to the clubs and organisations listed in the schedule, attached as Appendix 1 to the report, with no submissions received; and*
- (ii) agrees to issue a new lease or licence to each of the clubs/organisations listed in Appendix 1 to the report for the terms proposed in the schedule."*

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

The General Manager, City Transformation elaborated on the report.

RESOLVED: (Cr Cousins/Deputy Mayor Bassett) **Minute No. PRC 17515(2)**
"That the Committee notes the contents of this report."

8. **INFORMATION ITEM**

Policy and Regulatory Committee Work Programme (17/1639)

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

RESOLVED: (Cr Cousins/Deputy Mayor Bassett) **Minute No. PRC 17516(2)**
"That the Committee notes and receives the report."

9. **QUESTIONS**

There were no questions.

10. **EXCLUSION OF THE PUBLIC**

RESOLVED: (Cr Barry/Cr Bridson) **Minute No. PRC 17517(2)**

"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)
<i>General subject of the matter to be considered.</i>	<i>Reason for passing this resolution in relation to each matter.</i>	<i>Ground under section 48(1) for the passing of this resolution.</i>
<i>Proposed Amendment to Local Alcohol Policy..</i>	<i>The withholding of the information is necessary to maintain legal professional privilege (s7(2)(g)). The withholding of the</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of</i>

information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s7(2)(i)).

information for which good reason for withholding exist.

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

There being no further business the Chair declared the meeting closed at 7.22pm and the non-public portion of the meeting closed at 7.28pm.

Cr MJ Cousins
CHAIR

CONFIRMED as a true and correct record
Dated this 12th day of December 2017