

HUTT CITY COUNCILPOLICY AND REGULATORY COMMITTEE

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

Monday 30 April 2018 commencing at 5.30pm

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**PRESENT:**

Cr MJ Cousins (Chair)	Cr C Barry
Deputy Mayor D Bassett	Cr L Bridson
Cr S Edwards (Deputy Chair)	Cr T Lewis
Cr M Lulich	Cr C Milne
Mayor WR Wallace (from 6.50pm)	Cr L Sutton

**APOLOGIES:**

An apology was received from Cr J Briggs. An apology for lateness was received from Mayor Wallace.

**IN ATTENDANCE:**

Ms K Kelly, General Manager, City Transformation  
Mr B Kibblewhite, General Manager, Corporate Services  
Ms W Moore, Divisional Manager, Strategy and Planning (part meeting)  
Mr B Hodgins, Divisional Manager, Parks and Gardens  
Ms J Lawson, Reserves Asset Manager (part meeting)  
Ms K Crandle, Reserves Planner (part meeting)  
Mr J Scherzer, Sustainability and Resilience Manager (part meeting)  
Mr D Kerite, Building and Quality Assurance Manager (part meeting)  
Mr P Sweetensen, Seismic Assessment Officer (part meeting)  
Mr G Sewell, Principal Policy Advisor (part meeting)  
Mr J Hoyle, Communications and Marketing Advisor  
Ms S Haniel, Committee Advisor

**PUBLIC BUSINESS****1. APOLOGIES**

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

**Minute No. PRC 18201**

*"That the apology received from Cr J Briggs, and the apology for lateness 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

Cr Cousins declared a conflict of interest in item 6, Proposed Consultation on Reserve Classification, Walter Mildenhall Park.

## 4. FOR COMMITTEE INPUT PRIOR TO COMMUNITY PLAN COMMITTEE REFERRAL – 6 June 2018

### a) Encroachment Licence Fees (18/522)

Report No. PRC2018/2/105 by the Principal Policy Advisor

The Principal Policy Advisor elaborated on the report.

In response to a question from a member, the Principal Policy Advisor said that there were existing encroachments over drainage reserve land in Wainuomata. People used the land for gardening, however, they were not permitted to build.

In response to questions from members, the General Manager City Transformation said that there were mechanisms to encourage outdoor dining encroachments. For example, closing off carparks or remissions grants to offset the encroachment costs.

**RECOMMENDED:** (Cr Cousins/Deputy Mayor Bassett) **Minute No. PRC 18202**

*“That the Committee recommends that the Community Plan Committee recommends that Council:*

- (i) notes that the current Policy on Private Use of Hutt City Council Land was adopted by Council in 2003 and therefore is due for review;*
- (ii) notes that the review will be completed in two stages, first stage is the review of the current encroachment fees, the second stage a review of the current policy as it relates to encroachments and reserve land;*
- (iii) notes that in preparing the draft Long Term Plan (LTP) it was indicated (in the fees and charges section) that encroachment fees were being reviewed and may alter as a result of the review;*
- (iv) notes that Council has indicated that a “market value of land” approach should be used when reviewing the setting of encroachment fees and that the first stage of the review has been completed accordingly;*
- (v) agrees that the following fees be adopted by Council:*
  - a) application fee (new applications) \$300.00*
  - b) application fee (alterations to existing use) \$300.00*
  - c) changes to existing licences \$100.00*
  - d) annual licence fees – for gardens, single garage, double garage, drainage reserves*

*and pavement encroachments – be set as outlined as Option 3 in the report. This takes into consideration the area and value of the encroachment area;*

(vi) *agrees that any change to encroachment licence fees be phased in so that the change is made when each licence is due for its next annual licence payment or within 12 months if the anniversary is soon after the decision to increase licence fees is made;*

(vii) *agrees that the Chief Executive be given the discretionary power around establishing the annual licence fee for encroachment licences where there are unusual or exceptional circumstances to consider and on an annual basis the Chief Executive to report to the Finance and Performance Committee on any exercise of this discretionary power; and*

(viii) *agrees that the recommendations as noted above be included in the final LTP.”*

For the reason that the current policy has not been reviewed since 2003, and Council has indicated that a market value approach should be used when reviewing encroachment fees.

**b) Sea Level Rise - Actions and Recommendations (18/524)**

Report No. PRC2018/2/104 by the Divisional Manager, Strategy and Planning

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

In response to a question from a member, the Divisional Manager Strategy and Planning said that the costs of the sea level mapping and climate change impacts would arise from undertaking detailed mapping of the City.

In response to a question from a member, the Manager Sustainability and Resilience said that it was reasonably certain that the sea level would rise 30-40cm in the next 30 years. The approach of the report was for the community to be engaged from the outset in the hazard mapping process, and the potential effects on their properties. He added that he would send sea level rise data to members.

In response to questions from members, the Divisional Manager Environmental Consents said that Land Information Memorandum (LIM) reports contained links to hazard information held by Council which may be relevant for the property. Furthermore, the hazard data was not specific to individual properties and it was the property owner's responsibility to determine any potential effects. If detailed environmental data for properties became available, Council would have a legal obligation to put the data on LIMs.

Cr Lulich expressed support for the recommendations. He said that Council needed to obtain detailed data because climate change would negatively impact the community, and action was needed now in order to plan for the future.

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Cr Bridson said that Council needed to manage the risks of climate change. There would be a risk to Council if it did not do anything, and also a risk if Council did not put known data on LIMs. In due course, Council would be able to assess climate change scenarios and make decisions about protecting properties, for example, whether to build sea walls or retreat.

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

**Minute No. PRC 18203**

*"That the Committee recommends that the Community Plan Committee recommends that Council:*

- (i) notes the mapping of sea level rise and climate change impacts occurring at regional level does not show in detail the effect of sea level rise on individual assets and households and therefore does not provide sufficient granularity to assist Council to successfully plan for and protect vulnerable parts of the city;*
- (ii) makes a budget allocation in the 2018-2028 Long Term Plan to:*
  - (a) acquire and use sea level rise maps to identify threatened places, assets and communities in Lower Hutt and develop specific response options. The indicative cost is \$100,000; and*
  - (b) begin engagement with Lower Hutt communities to build a common understanding of the risks faced by the community particularly the potential environmental, social, cultural and economic impacts associated with of climate change. The indicative cost is \$100,000."*

For the reasons outlined in the report.

## **5. RECOMMENDATIONS TO COUNCIL - 22 May 2018**

### **i) Representation Review - Draft Proposal for Public Consultation (18/537)**

Speaking under public comment, **Mr M Shierlaw** said that the evidence showed that the community favoured a change to the election process with 60% of those surveyed supporting either partial or at large representation. He further said that too many councillors were focussing on their favourite areas for utilisation of Council resources. In addition, he believed that some councillors were not keeping up to date with issues in their wards. He recommended that Council be elected as a mix of ward and at large.

Speaking under public comment, **Mr B Dyer, representing the Petone Community Board** requested that the option of "Boards only" be added to the options that go out for consultation. He added that it was clear from the survey that the wards that had community boards wanted to keep them. In addition, costs for the options should be included in the

consultation. Furthermore, Boards advocated for their communities and provided value compared to community panels.

The Divisional Manager Strategy and Planning presented the representation review survey results.

In response to questions from members, the Divisional Manager Strategy and Planning said that there was good representation from the 30-39 year old group. However, many people from the younger age group did not answer the survey even though they were invited to participate. She further said that this was the first survey where the results had been clear that people wanted a change to electoral representation. The first round of consultation would be for four weeks and the second round would be for six weeks. There was a communications plan in place which would assist in describing the differences between panels and boards.

Cr Milne said that survey results differed from other year's because there were different questions asked each time the survey was done.

Cr Edwards said that the survey results were 41% for a mix of ward and at large, and 16% for at large elections, which resulted in a majority of respondents wanting a change to the current system. However, he considered that people may want the option to retain their community boards, and the proposed resolutions gave no opportunity for this option.

Cr Barry said that the consultation needed to contain a clear distinction that a board provided community representation, and a panel provided community funding. He queried whether the issue should be heard by an independent panel.

The Divisional Manager Strategy and Planning said that she would find out from the Local Government Commission about the issue of using an independent panel for the hearing.

Cr Bridson said that there needed to be a consultation option for city wide community boards.

Cr Lewis requested that the next survey ask participants whether they voted in the Council elections or not. She queried the composition of the hearings subcommittee and requested a member from a board area to sit on the hearing.

The Chair said that appropriate membership of the subcommittee should be the Mayor, or his Deputy, plus the Chairs of the two relevant standing committees, ie, the Policy and Regulatory Committee and the Community Services Committee.

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**RECOMMENDED:** (Cr Cousins/Cr Edwards) **Minute No. PRC 18204**

*"That the Committee recommends that Council :*

- (i) directs officers to develop a package of options for further community consultation and report back to the Policy and Regulatory Committee on 2 July 2018 with a draft representation proposal based on the results of that consultation;*
- (ii) notes that the proposed package options are:*
  - a) Status quo for Council, and*
    - 1. no second tier representation, or*
    - 2. Community Panels, or*
    - 3. Community Boards, or*
    - 4. a mix of Community Boards and Community Panels;*
  - b) Council elected as a mix of ward and at large, and*
    - 1. no second tier representation, or*
    - 2. Community Panels, or*
    - 3. Community Boards, or*
    - 4. a mix of Community Boards and Community Panels;*
  - c) Council elected at large, and*
    - 1. no second tier representation, or*
    - 2. Community Panels, or*
    - 3. Community Boards, or*
    - 4. a mix of Community Boards and Community Panels;*
- (iii) establishes a subcommittee comprising Mayor Wallace (or his Deputy), Cr Cousins and Cr Barratt to consider and approve the representation options developed for community consultation; and*
- (iv) notes that Council, once it has agreed on a draft proposal, must publicly notify that proposal no later than 8 September 2018."*

For the reasons outlined in the report.

ii) **Reserve Revocation - Molesworth Street Reserve (18/464)**

Mayor Wallace joined the meeting at 6.50pm.

<b>RECOMMENDED:</b> (Cr Cousins/Cr Sutton)	<b>Minute No. PRC 18205</b>
<i>"That the Committee recommends that Council:</i>	
<i>(i) notes that there were no submissions to the proposal to revoke the reserve status of the Molesworth Street Reserve; and</i>	
<i>(ii) confirms the proposal to revoke the local purpose reserve status of the property and make the property available for sale for the development of housing."</i>	

For the reasons outlined in the report.

iii) **August Street Encroachment (18/415)**

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

<b>RECOMMENDED:</b> (Cr Sutton/Cr Lewis)	<b>Minute No. PRC 18206</b>
<i>"That the Committee recommends that Council:</i>	
<i>(i) notes that the formed driveway to 2/43 August Street, Stokes Valley is partially located on Council land, having been constructed around 1987;</i>	
<i>(ii) agrees to rectify the encroachment by way of a boundary adjustment;</i>	
<i>(iii) agrees to sell the encroached area to the property owner of 2/43 August Street, with all costs to be met by the purchaser; and</i>	
<i>(iv) agrees, once the boundary adjustment has been completed, to publicly notify a proposal to declare and classify the balance of the property as recreation reserve."</i>	

For the reason that this will effectively rectify the encroachment.

iv) **Land Exchange - Tocker Street (18/414)**

Speaking under public comment, **Ms S Rei, representing the Common Ground Project** said that Council's partnership with the community was very important. Taita residents did not want more development on Walter Nash Park, they wanted the space to grow and connect. She asked that there be an investigation into how part of the park had been sold for housing.

Speaking under public comment, **Ms D Awarau, representing the Common Ground Project** said that she had only become aware of the Officer's report today. She requested that Council engage respectfully with the community about the proposal.

The Reserves Asset Manager elaborated on the report. She advised that she had informed Ms Rei about the issue two weeks ago.

In response to a question from a member, the Reserves Asset Manager said that there was no urgency to resolve the issue.

MOVED: (Cr Cousins/Deputy Mayor Bassett)

"That the Committee recommends that Council:

- (i) endorses in principle a proposal to exchange 100m<sup>2</sup> of council reserve for an equal area of adjacent privately owned land, as shown in the plan attached as appendix 1 to the report, and
- (ii) requests officers to publicly notify, in accordance with the Reserves Act 1977 requirements, Council's intention to exchange the land."

Cr Sutton said that the proposed land swap could allow another house to be built on the land and she did not support the motion.

Cr Bridson said that more options needed to go out for consultation with the community.

AMENDMENT MOVED: (Cr Bridson/Cr Edwards)

"That the Committee consults with the local community as to the options that may be available to the future of this land, including the options of:

- a) land swap; and
- b) Council purchase of land."

RESOLVED: (Cr Bridson/Cr Edwards)

**Minute No. PRC 18207**

*"That the Committee consults with the local community as to the options that may be available to the future of this land, including the options of:*

- a) land swap; and*
- b) Council purchase of land."*

For the reason that the current boundary is unsuitably placed, crossing a public footpath and splitting the ownership of the Tocker Street heritage gates.

v) **Proposed Lease to Hutt Cricket Academy - Hutt Recreation Ground Grandstand (18/523)**

The Divisional Manager Parks and Gardens elaborated on the report.

In response to a question from a member, the Divisional Manager Parks and Gardens said that he would find out whether there had been any complaints to Council regarding the activities of the Hutt Cricket Academy.

Deputy Mayor Bassett said that the Academy was doing great work with the young men and women in the Hutt Valley and he strongly supported the recommendations.

Cr Barry expressed support for Deputy Mayor Bassett's comments, and also expressed support for the recommendations.

Cr Lulich expressed support for the proposal.

**RECOMMENDED:** (Cr Cousins/Deputy Mayor Bassett) **Minute No. PRC 18208**

*"That the Committee recommends that Council agrees to lease the first floor of the Hutt Recreation Ground Grandstand to Hutt Cricket Academy for a term of 15 years."*

vi) **Allowing Free-Floating Car Sharing in Hutt City (18/508)**

The Sustainability and Resilience Manager elaborated on the report.

In response to questions from members, the Sustainability and Resilience Manager said that the operator would pay the same parking fees, however it would be done on an invoice system every three months. He added that Wellington City Council did not have free-floating parking for car sharing vehicles, but that it had fixed parking.

Cr Lewis left the meeting at 7.09 pm.

Mayor Wallace said that the proposal was an exciting opportunity and an innovative opportunity for getting vehicles off the road.

Cr Lewis rejoined the meeting at 7.11 pm.

Cr Lulich expressed support for the proposal because each of these vehicles could take 15 cars off the road. The strategy would assist to reduce vehicles on the road and improve traffic flow.

Cr Milne said the proposal supported Technology Valley, and if agreed, this Council would be one of the first councils in Australasia to undertake this initiative.

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Cr Bridson expressed support for Cr Milne's comments and said that Council would be a leader in this area.

<p><b>RECOMMENDED:</b> (Cr Cousins/Cr Bridson) <b>Minute No. PRC 18209</b></p> <p><i>"That the Committee recommends that Council:</i></p> <p>(i) <i>notes that each car share vehicle can take up to 15 vehicles off the road by offering more travel choice and displacing under-utilised vehicles, thereby reducing pressure on parking;</i></p> <p>(ii) <i>approves the implementation of an annual or quarterly fee for approved car share vehicles, instead of requiring users of those car share vehicles to pay for parking each time they park a vehicle;</i></p> <p>(iii) <i>approves an exemption for car share vehicles to display a parking coupon and coupon exemption permit under section 3.2 of the Hutt City Council Bylaw 2017; and</i></p> <p>(iv) <i>approves an exemption for approved car share vehicles to comply with parking time restrictions P60 and longer."</i></p>
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**vii) Earthquake-Prone Priority Buildings (18/498)**

The Seismic Assessment Officer elaborated on the report.

In response to a question from a member, the Seismic Assessment Officer said that officers had assessed which routes had only one entrance and egress with regard to earthquake-prone priority buildings. Lower Hutt had a grid network of roads which could provide alternate routes for getting emergency personnel into an area, and also getting people out of an area.

In response to a question from a member, the Divisional Manager Environmental Consents said that the proposed Subcommittee would make a decision about the priority traffic routes in the event of an earthquake.

<p><b>RECOMMENDED:</b> (Cr Cousins/Deputy Mayor Bassett) <b>Minute No. PRC 18210</b></p> <p><i>"That the Committee recommends that Council:</i></p> <p>(i) <i>uses the special consultative procedure described under section 83 of the Local Government Act 2002 to identify thoroughfares with sufficient vehicular and pedestrian traffic, onto which parts of unreinforced masonry (URM) buildings could fall in the event of an earthquake;</i></p> <p>(ii) <i>does not use the special consultative procedure described under section 83 of the Local Government Act 2002 to identify strategically important routes which could be impeded by the collapse of buildings in the event of an earthquake; and</i></p>
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- (iii) *agrees to establish a subcommittee comprising of Cr Cousins, Cr Edwards, and Cr Bridson, with alternates, Cr Lewis and Cr Barry to:*
- (a) *hear submissions on the proposed Priority Routes and Earthquake-Prone Buildings proposal;*
  - (b) *recommend the appropriate action to Council for consideration and approval; and*
  - (c) *be given delegated authority to approve minor amendments to the Priority Routes and Earthquake-Prone Buildings proposal prior to public consultation."*

For the reasons that is a legislative requirement under section 133 AF(2)(a) of the Building Act 2004, and officers were able to confirm that there were no routes in Lower Hutt that meet the criteria of section 133AE(1)(f) of the Building Act 2004 and the Ministry of Business, Innovation and Employment's (MBIE) guidance on identifying priority buildings.

**viii) Review of Policy on Appointment of Members of the District Licensing Committee (18/271)**

- RECOMMENDED:** (Mayor Wallace/Cr Bridson) **Minute No. PRC 18211**
- "That the Committee recommends that Council:*
- (i) *adopts the amendments to the Appointment of Members of the District Licensing Committee Policy, as attached as Appendix 1 to the report (shown as tracked changes); and*
  - (ii) *appoints Cr Cousins and Cr Edwards as members of the Appointment Panel."*

For the reason that the current Appointment of Members of the District Licensing Committee Policy needs to be reviewed every five years.

6. **PROPOSED CONSULTATION ON RESERVE CLASSIFICATION, WALTER MILDENHALL PARK** (18/348)

Report No. PRC2018/2/111 by the Asset Planner

Cr Cousins declared a conflict of interest.

The Asset Planner elaborated on the report.

In response to questions from members, the Asset Planner said that the proposal would make the site compliant with the Reserves Act 1977. She added that the site could have gone through this process some years ago.

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

**Minute No. PRC 18212**

*"That the Committee:*

- (i) directs officers to undertake consultation on a proposal to classify 4 properties as Local Purpose Reserve (Community Buildings) in Walter Mildenhall Park in accordance with the Reserve Act 1977; and*
- (ii) requests that officers report back with the consultation results in the July 2018 round of meetings."*

7. **GENERAL MANAGER'S REPORT** (18/421)

Report No. PRC2018/2/120 by the Divisional Manager, Regulatory Services and Emergency Management

The Divisional Manager Environmental Consents and the Divisional Manager Regulatory Services and Emergency Management elaborated on the report.

In response to questions from members, the Divisional Manager Environmental Consents said that for future reports she would provide a breakdown of data for the liquor licences, and information about fast tracked Resource Management Act applications. She further said that she would inform Councillors whenever a resource consent application had significant public interest.

**RESOLVED:** (Cr Lulich/Cr Milne)

**Minute No. PRC 18213**

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

## 8. INFORMATION ITEM

### Policy and Regulatory Committee Work Programme (18/422)

Report No. PRC2018/2/46 by the Committee Advisor

RESOLVED: (Cr Cousins/Mayor Wallace)

**Minute No. PRC 18214**

*"That the report be noted and received."*

## 9. QUESTIONS

There were no questions.

## 10. EXCLUSION OF THE PUBLIC

RESOLVED: (Cr Cousins/Cr Sutton)

**Minute No. PRC 18215**

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

### 11. *ECNZ Track Land Acquisition (18/427)*

*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>ECNZ Track Land Acquisition.</i>	<i>The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities (s7(2)(h)). The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exist.</i>

*industrial negotiations)*  
*(s7(2)(i)).*

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

There being no further business the Chair declared the meeting closed at 7.45pm, and the non-public portion of the meeting closed at 8.10pm.

Cr MJ Cousins  
**CHAIR**

**CONFIRMED as a true and correct record**  
**Dated this 22<sup>nd</sup> day of May 2018**