

HUTT CITY COUNCILPOLICY AND REGULATORY COMMITTEE

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

Monday 2 July 2018 commencing at 5.30pm

**PRESENT:**

Cr MJ Cousins (Chair)	Cr C Barry (from 5.32pm)
Cr L Bridson	Cr S Edwards (Deputy Chair)
Cr J Briggs (from 5.32pm)	Cr M Lulich
Cr T Lewis	Cr L Sutton
Cr C Milne	

**APOLOGIES:** Apologies were received from Mayor WR Wallace and Deputy Mayor Bassett. Apologies for lateness were received from Cr Barry and Cr Briggs.

**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 H Oram, Divisional Manager, Environmental Consents  
 Mr G Stuart, Divisional Manager, Regulatory Services and Emergency Management  
 Ms K Crandle, Reserves Planner (part meeting)  
 Mr G Sewell, Principal Policy Advisor (part meeting)  
 Mr A Pope, Environmental Investigations Officer (part meeting)  
 Ms S Haniel, Committee Advisor

PUBLIC BUSINESS1. **APOLOGIES**

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

**Minute No. PRC 18301**

*"That the apologies received from Mayor Wallace and Deputy Mayor Bassett be accepted and leave of absence be granted and the apologies for lateness received from Cr Barry and Cr Briggs be received."*

2. **PUBLIC COMMENT**

Comments are recorded under the item to which they relate.

3. **CONFLICT OF INTEREST DECLARATIONS**

There were no conflict of interest declarations.

#### 4. RECOMMENDATIONS TO COUNCIL - 24 July 2018

##### i) **Naenae Library Site Reserve Revocation (18/557)**

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

Crs Barry and Briggs joined the meeting at 5.32pm.

In response to questions from members, the Divisional Manager Parks and Gardens said that a communications plan could be developed once the use for the site had been decided. He added that the decision to revoke the site could wait until there was further information about the future use of the site. However, the revocation process would be delayed accordingly.

MOVED: (Cr Cousins/Cr Bridson)

“That Council publicly notifies a proposal to revoke the reserve status of the Naenae Library property.”

The motion was declared LOST on a show of hands.

Cr Barry said that the revocation process should come to Council after a decision had been made about the use of the land. He added that some Councillors required more information before making a decision about the uses for the land.

Cr Lewis said she favoured knowing more information before going through the revocation process. She requested a Council workshop on the matter and to bring it back to the Committee.

Cr Bridson said that she supported the revocation. However, she was not opposed to delaying the process. She added that Spatial Plan ideas for the site included a supermarket, housing, or a commercial anchor tenant, all of which would require the reserve to be revoked.

The Chair said that revocation was a long process which should be commenced now to allow officers to progress the work.

Cr Milne said that the revocation process and the decision on the land's use could occur in parallel. If issues arose, the revocation process would not have to continue.

Cr Briggs said that there could be unnecessary community opposition if the decision to revoke was made before knowing the uses of the site.

Cr Edwards said that without a definite use for the site, the community could oppose the revocation process.

MOVED: (Cr Bridson/Cr Barry)

“That Council:

- (i) lets the item of the Naenae Library Site Reserve Revocation lie on the table; and
- (ii) asks officers to hold a workshop on the matter before bringing it back to Council.”

The motion was declared CARRIED on a show of hands.

RESOLVED: (Cr Bridson/Cr Barry)

**Minute No. PRC 18302**

*“That the Committee:*

- (i) lets the issue of the Naenae Library Site Reserve Revocation lie on the table; and*
- (ii) asks officers to hold a workshop on the matter before bringing it back to Council.”*

For the reasons that the property will in the future not be required for library or other community or recreational purposes, it is located within the Suburban Commercial Activity Area of the District Plan and would better serve Council purposes to be used for a commercial or residential purpose.

**ii) Reserve Revocation - 20N Mataura Grove (18/1021)**

RECOMMENDED: (Cr Briggs/Cr Barry)

**Minute No. PRC 18303**

*“That the Committee recommends that Council:*

- (i) notes that the proposal to revoke the reserve status of the property at 20N Mataura Grove was publicly notified with no submissions or objections received;*
- (ii) agrees to revoke the reserve status of the property at 20N Mataura Grove, on the basis that it serves no useful reserve purpose; and*
- (iii) agrees that the property is surplus and be sold to the owners of the adjoining property at 20 Mataura Grove.”*

**iii) Further information about Area C2, Williams Park (18/996)**

The Reserves Planner elaborated on the report.

In response to a question from a member, the General Manager City Transformation said that Area C2 was included as a draft Significant Natural Area (SNA) in the upcoming plan change on ecosites, landscape areas and coastal natural character areas. For this reason, the Committee might wish to delay its decision until the plan change had been finalised.

In response to a question from a member, the Chief Executive said that

the costs in the report were estimates.

MOVED: (Cr Briggs/Cr Bridson)

“That the Committee recommends that Council:

- (i) notes the expert ecological, subdivision and valuation advice about Area C2; and
- (ii) directs officers to proceed with community consultation with one of the options being to classify Area C2 as recreation reserve.”

The motion was declared LOST on a show of hands.

In response to a question from a member, the Divisional Manager Parks and Gardens said that the report clarified Council’s request about whether area C2 could be developed without negatively impacting on the ecological values of the site. He encouraged members to use the information to make a decision on whether to consult or to retain the area as reserve land.

Cr Edwards said that it would be possible to build two houses on the site and protect the northern rata. However, the proposal was complicated by the SNA process. He advised that he did not support the option of proceeding with consultation.

Cr Milne said that Council was required to balance housing needs, ecology and finances. Officers were in the process of determining areas of significant ecological vegetation and there were community concerns over the SNA process. Furthermore, Area C2 could be affected by the upcoming plan change on ecosites, landscape areas and coastal natural areas.

Cr Lewis said that the community would be unlikely to support the notion that the land was surplus to Council’s reserve requirements.

Cr Barry said that Council needed to work through the SNA process before considering whether the site should be used for housing purposes.

Cr Briggs said that if Council proceeded with community consultation, there needed to be clarity about Council’s intentions to develop housing on the site.

Cr Lulich said that the community felt strongly about the ecological values of the land and wanted Area C2 to be retained by Council as reserve land.

Cr Bridson said that Council was considering Area C2 in the context of several pieces of land which may be surplus to Council’s reserve requirements. Area C2 had significant trees on it, therefore, it would be hypocritical of Council to sell the land when it was in the early stages of

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deciding SNA criteria for the city.

Cr Sutton said that she did not support the officer's recommendations and that the land should be classified as reserve.

MOVED: (Cr Sutton/Cr Lewis)

"That the Committee recommends that Council:

- (i) notes the expert ecological, subdivision and valuation advice about Area C2; and
- (ii) directs officers to declare and classify Area C2, part of CTWN49C/741 as recreation reserve."

The motion was declared CARRIED on the voices.

<b>RECOMMENDED:</b> (Cr Sutton/Cr Lewis)	<b>Minute No. PRC 18304</b>
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*"That the Committee recommends that Council:*

- (i) notes the expert ecological, subdivision and valuation advice about Area C2; and*
- (ii) directs officers to declare and classify Area C2, part of CTWN49C/741 as recreation reserve."*

**iv) Proposed Control of Animals Bylaw (18/1014)**

The Principal Policy Advisor elaborated on the report.

In response to questions from members, the Environmental Investigations Officer said that banned trapping devices, such as spring traps with jaws and gin traps, were defined in the bylaw. People who already had animals and were affected by the changes could apply to Council for a permit to keep their animals. There were no costs for the permit, however, there were capturing and impounding costs.

<b>RECOMMENDED:</b> (Cr Cousins/Cr Lulich)	<b>Minute No. PRC 18305</b>
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*"That the Committee recommends that Council:*

- (i) notes that the Local Government Act 2002 (LGA 2002) requires Council to review its bylaws to ensure that they comply with the matters set out in sections 155 and 159 of the LGA 2002;*
- (ii) notes that the Control of Animals Bylaw 2008 has been reviewed in accordance with section 155 of the LGA 2002;*
- (iii) notes the outcome of the s155 review of the bylaw is to propose amendments to the bylaw, as more particularly detailed in the statement of proposal (a draft of which is attached as Appendix 2 to the report);*
- (iv) agrees to consult on the Summary of Information, Statement of Proposal and Proposed Amended Bylaw (a draft of which is attached as Appendices 1-3 to the report) in accordance with the requirements of the LGA 2002 by means of*

- a special consultative procedure; and*
- (v) *agrees to establish a subcommittee comprised of trained hearers Cr Cousins, Cr Edwards and Cr Bridson, with alternates Crs Lewis and Barry, to:*
- a) hear submissions on the proposed amendments to the Control of Animals Bylaw 2008; and*
- b) recommend the appropriate action to Council for consideration and approval."*

For the reason that the LGA 2002 requires the Animal Control Bylaw 2008 to be reviewed.

**v) Proposed Prevention of Nuisance from Fires and Smoke Bylaw (18/1018)**

The Principal Policy Advisor elaborated on the report.

In response to a question from a member, the General Counsel said that the Fire Service had taken over the fire permit responsibilities that were in the previous bylaw. All Councils were updating their bylaws accordingly. He added that Council could put out communications about the smoke nuisance requirements in the proposed bylaw.

<b>RECOMMENDED:</b> (Cr Cousins/Cr Lewis)	<b>Minute No. PRC 18306</b>
<i>"That the Committee recommends that Council:</i>	
<i>(i) notes that the Local Government Act 2002 ('LGA 2002') requires Council to review its bylaws to ensure that they comply with the matters set out in sections 155 and 159 of the Act;</i>	
<i>(ii) notes that the Fire Prevention (Urban Fire District) Bylaw 2008 has been reviewed in accordance with section 155 of the LGA 2002;</i>	
<i>(iii) notes that the Fire and Emergency New Zealand Act 2017 and the Fire and Emergency New Zealand (Fire Permits) Regulations 2017 now prescribe the new role and responsibilities for Hutt City Council;</i>	
<i>(iv) notes the outcome of the review is to propose amendments to the bylaw, as more particularly detailed in the statement of proposal (a draft of which is attached as Appendix 2 to the report);</i>	
<i>(v) agrees to consult on the Summary of Information, Statement of Proposal and Proposed Amended Bylaw (a draft of which is attached as Appendices 1-3 to the report) in accordance with the requirements of the LGA 2002 by means of a special consultative procedure; and</i>	
<i>(vi) agrees to establish a subcommittee comprised of trained hearers Cr Cousins, Cr Edwards and Cr Bridson, with alternates Crs Lewis and Barry to:</i>	
<i>a) hear submissions on the proposed amendments to the Fire Prevention (Urban Fire District) Bylaw 2008; and</i>	
<i>b) recommend the appropriate action to Council for consideration and</i>	

<i>approval."</i>
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For the reasons that the current Fire Prevention Bylaw 2008 is due to be reviewed as required by the LGA 2002 and changes to the role and responsibility of Council have been enacted that need to be incorporated into the 2008 bylaw review.

5. **GENERAL MANAGER'S REPORT** (18/990)

Report No. PRC2018/3/179 by the Divisional Manager, Environmental Consents and 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, Regulatory Services and Emergency Management said that a local business had put sump litter traps into drains at its own expense to prevent plastic noodles from entering the storm water system. Officers could pursue the same strategy with other plastic factories. Council would be responsible for clearing the sumps.

In response to a question from a member, the Divisional Manager, Environmental Consents said that officers had run workshops for business owners in different languages, to upskill their knowledge about the new food regulations.

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

**Minute No. PRC 18307**

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

6. **INFORMATION ITEM**

**Policy and Regulatory Committee Work Programme** (18/834)

Report No. PRC2018/3/93 by the Committee Advisor

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

**Minute No. PRC 18308**

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

7. **QUESTIONS**

There were no questions.

There being no further business the Chair declared the meeting closed at 6.53 pm.

Cr MJ Cousins  
CHAIR

**CONFIRMED as a true and correct record**  
**Dated this 24<sup>th</sup> day of July 2018**