

HUTT CITY COUNCILPOLICY AND REGULATORY COMMITTEE

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

Monday 24 September 2018 commencing at 5.30pm

PRESENT:

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

APOLOGIES: An apology was received from Cr Edwards.

IN ATTENDANCE:

- Cr G Barratt (part meeting)
- Mr T Stallinger, Chief Executive
- Ms K Kelly, General Manager, City Transformation
- Mr B Kibblewhite, General Manager, Corporate Services (part meeting)
- Mr M Reid, General Manager, City and Community Services (part meeting)
- Ms W Moore, Divisional Manager, Strategy and Planning
- Mr B Hodgins, Divisional Manager, Parks and Gardens (part meeting)
- Mr B Cato, General Counsel (part meeting)
- Mr G Sewell, Principal Policy Advisor (part meeting)
- Mr J Scherzer, Manager Sustainability and Resilience (part meeting)
- Mr G Stuart, Divisional Manager Regulatory Services and Emergency Management (part meeting)
- Mr D Kerite, Building and Quality Assurance Manager (part meeting)
- Mr J Gloag, Divisional Manager, Transport (part meeting)
- Mr D Simmons, Traffic Asset Manager (part meeting)
- Mr J Hoyle, Communications and Marketing Advisor
- Mr D Grocott, Commercial Events Developer (part meeting)
- Ms L Kingsbeer, Activator (part meeting)
- Ms S Haniel, Committee Advisor

PUBLIC BUSINESS1. **APOLOGIES**

RESOLVED: (Cr Cousins/Mayor Wallace)

Minute No. PRC 18401

"That the apology received from Cr Edwards be accepted and leave of absence be granted."

2. **PUBLIC COMMENT**

Comments are recorded under the item to which they relate.

3. **HEARING OF SUBMISSIONS TO THE REPRESENTATION REVIEW (18/1491)**

The hearing of submissions is recorded under item 5 i) Representation Review.

4. **CONFLICT OF INTEREST DECLARATIONS**

Cr Cousins declared a conflict of interest in item 5 viii) Local Alcohol Policy and took no part in discussion or voting on the matter.

5. **RECOMMENDATIONS TO COUNCIL - 9 October 2018**

i) **Representation Review (18/1412)**

Mr D Wilshere presented submission SRR18/3.

Mr Wilshere said that he supported decision making at community level and community boards should be empowered to provide more services than under the current system.

In response to questions from members, Mr Wilshere said that the Harbour Ward should include the western side of the ridge out to Baring Head. Residents who lived there identified with Eastbourne and entered the area via Burdan's Gate, although some entered via Wainuiomata. He further said that communities decided for themselves who they identified with and should not be decided on a population basis.

Mayor Wallace left the meeting at 5.56 pm.

Ms V Horrocks, Chair of the Eastbourne Community Board (ECB) presented submission SRR18/4.

Ms Horrocks said that Petone and Eastbourne should remain as separate boards due to the geographic access to the Eastbourne bays which would be cut off geographically in the event of a major incident. The ECB had worked on an emergency response over the last four years. She supported Mr Wilshere's submission to change the Harbour Ward boundary at Baring Head. She added that community boards were cheaper to operate than councillors' remuneration and provided personal local responses to residents.

Mayor Wallace rejoined the meeting at 6.00pm.

In response to questions from members, Ms Horrocks said that first and second tier representation were linked and when the first tier had been

decided then the second tier could be determined. She supported having boards across the city and did not have a recommendation for the number of councillors required.

Mr M Fisher, Mr B Dyer and Mr M Branch, members of the Petone Community Board (PCB) presented submission SRR18/7.

Mr Fisher said that the PCB strongly supported second tier representation. He was concerned about a further review in 2021 and requested that it be undertaken in 2024. The PCB did not support the amalgamation of the ECB and the PCB.

Mr Dyer said that Petone and Eastbourne had very different issues from each other. Community boards represented good value and were cheaper than councillors' remuneration.

Mr Branch said that PCB supported community boards across the city as communities were decided by people identifying with smaller areas.

In response to questions from members, Mr Fisher said that there were three distinct areas under the PCB and each had their own issues. He believed more community representation would help councillors with their work. In regard to the definition of a "community of interest", the community in the PCB area would do their shopping and play sport in Petone.

Mr M Young presented submission SRR18/8.

Mr Young supported having community boards across the city and for councillors to be elected at large. He expressed dissatisfaction that the totals in the survey data had not been presented showing the age groups. He believed the younger age groups had supported electing councillors at large. He expressed disappointment that the Facebook survey had limited respondents age to 18 or over because 16 year olds would be eligible to vote in the next election.

In response to questions from members, Mr Young said that community boards provided good value for money. He further said that he had not considered a change in the number of elected councillors.

Mr R Sinnott, Chair of the Wainuiomata Community Board (WCB) presented submission SRR18/9.

Mr Sinnott said that the data supported the retention of community boards. The WCB also supported that the next review be in six years time, (2024), not in three years time. A review in six years would allow sufficient time to undertake research and to get it right.

In response to questions from members, Mr Sinnott said that he supported one community board per ward which would create challenges for the PCB and the ECB.

Mr M Shierlaw presented submission SRR18/2.

Mr Shierlaw said that he supported fully at large elections for Council. Other similar sized cities, such as Hamilton, Palmerston North and Napier had fully at large elections. Council needed to define how “communities of interest” applied to the city. Furthermore, councillors had an interest in keeping the existing voting structure as it was.

In response to questions from members, Mr Shierlaw said that the WCB, ECB and PCB were communities of interest. However, the suburbs of Moera and Gracefield should not be under the PCB. Furthermore, Petone should pay for itself. He further said that when comparing other cities to Lower Hutt, he had not specifically taken into account distance from key points. However, he did not consider that residents of Hutt City had onerous distances to travel to services. He added that only 7% of residents supported at large elections, therefore, he would accept mixed representation which had more support. He highlighted that if a mixed system was adopted by Council, he would not appeal the decision to the Local Government Commission. He believed that a change in the first tier voting system would result in a higher voter turnout.

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

In response to questions from members, the Divisional Manager, Strategy and Planning said that the research companies had assured her that an age restriction was not included in the survey. She was disappointed that the Council Facebook Representation Review page did require participants to be over the age of 18. She further said that Councillors could make changes to the representation review on the basis of the submissions made.

In response to a question from a member, the General Counsel said that Council should provide reasons for its amendments and also its rejections of submissions.

MOVED: (Cr Cousins/Deputy Mayor Bassett)

“That the Committee recommends that Council:

- (i) receives the submissions received on the proposed representation arrangements for Hutt City for the 2019 local authority elections; and
- (ii) retains the initial draft proposal, as attached as Appendix 1 to the report, for representation arrangements for Hutt City’s 2019 local authority elections as follows:
 - a) the Mayor be elected at large;
 - b) Council be comprised of 12 councillors with two councillors elected from each of six wards;
 - c) the existing second tier representation arrangements, three elected Community Board and four Community Panels,

remains; and

- (iii) directs officers to draft the final representation proposal for public notification.”

AMENDMENT MOVED: (Cr Milne/Cr Lewis)

“That the Committee recommends that Council:

- (i) considers the submissions received on the proposed representation arrangements for Hutt City for the 2019 local authority elections; and
- (ii) chooses to retain the initial draft proposal, as attached as Appendix 1 to the report, for representation arrangements for Hutt City’s 2019 local authority elections with the following amendment:

alteration of the initial draft proposal for representation arrangements for the 2019 local authority elections to reflect the submissions made, that is, agrees to adjust the Wainuiomata and Harbour Ward boundaries as suggested in Submission D by including the western side of the ridge out to Baring Head in the Harbour Ward.”

The amendment was declared LOST by Division with the voting as follows:

For

Cr Lewis
Cr Lulich
Cr Milne

Total: 3

Against

Cr Bridson
Cr Barry
Deputy Mayor Bassett
Cr Briggs
Cr Cousins
Cr Sutton
Mayor Wallace

Total: 7

Debate on the Amendment

Cr Milne said that according to the submissions, the community of interest for the Baring Head area was Eastbourne and not Wainuiomata, therefore there was a strong argument to move the boundary.

Cr Bridson said that Council had considered moving the Wainuiomata and Harbour Ward boundaries out to Baring Head at the last representation review. However, some of the residents in that area related to Wainuiomata and not to Eastbourne.

Mayor Wallace said that further consultation needed to be undertaken with the affected people.

Cr Lulich said that Eastbourne people had a strong interest in Baring Head

and supported the amendment.

Cr Barry said that more information was required on the issue before Council made a decision.

Debate on the Substantive Motion

Mayor Wallace said that the community boards needed to show their worth and some of them were doing great work. There had not been enough discussion with the community to make a change from the status quo. He said that there could be a wider scope for a change in representation in the future.

Cr Bridson said that it was important to have a range of views at Council, that the City was well represented and that communities were engaged in the process. A ward system provided all of these facets, whereas an at large system risked having some areas of the City unrepresented. She agreed with the submitter's comments that more people vote in an at large system, however, her view was that it did not make much difference to the age, gender, ethnic mix of councillors. She supported having geographic community boards across the city which would represent their views to Council.

Cr Barry said that the surveys had shown support for a change to the voting system and preference for a mixed representation and community boards across the City. He considered Councillors had a vested self-interest to keep the status quo. He supported devolving power and decision making to community boards. He added that seven community boards would cost about the same as the current councillors remuneration. He further said that people did not know their regional councillors because they were regionally elected, therefore, not comparable to local at large elections.

Deputy Mayor Bassett said that the ward system gave people in an area a chance to stand for their community, whereas at large voting relied on name recognition. Residents of his Central Ward frequently contacted him about issues that affected them. In contrast, councillors from Greater Wellington Regional Council were elected at large and were seldom contacted about issues.

Cr Lewis said that the survey showed support for community boards across the city was 30% above the status quo. A change was needed so that people would become interested in what was happening in the city, which would increase the voter turnout. She supported mixed representation for the first tier.

Cr Lulich said that there should be more diversity in Council. However, greater diversity would be accomplished with a proportional representation model not the first past the post model. He supported retaining the PCB and ECB as separate boards because they were different communities of interest. He further supported having community boards across the City. He did not support community panels because they were

politically appointed and people wanted to elect their representatives.

Cr Sutton said that she supported the ward system. She said candidates would use party political tickets when standing in an at large system. She further said that she was not convinced of the value of community boards and that community panels needed more time because they had only been operating for one year.

Cr Briggs said that the results of community consultation had shown that people wanted a change to the system, when taking into account the status quo bias. Furthermore, whether elected by ward or at large, elected councillors would receive a number of phone calls from the public. He supported enhanced community boards across the City, and a mixed first tier system.

Cr Milne said that he supported ward elections because councillors had a greater degree of accountability compared to an at large election system. Furthermore, residents voted for the Greater Wellington Regional Council using name recognition, and he considered that he did not wish to see Council have a similar election result. Elected community boards across the City would result in 48 elected people. This would result in an overlarge bureaucracy, slow down decision making and be unpopular with the public. Furthermore, it might result in forcing community boards onto communities that did not want them, especially the Western Ward. The cost of more elections would cost more than \$500,000.

The Chair said that the scientific part of the PublicVoice survey supported the status quo, but when the data from the self-selected participants was included, it gave a different result. Residents clearly wanted a fair and equitable system. She further said that the Harbour Ward having two community boards was not fair and equitable representation. She added that she had been elected in an at large system, and in that system, the wider areas of the City were not well represented. However, an at large system would benefit Eastbourne and Hutt Central, and it would open the election to party politics, which would be unpopular with citizens.

The Chair asked the General Counsel to provide Councillors with further advice about whether Council could review second tier in isolation to first tier, in 2021. She added that depending upon the advice, Council may wish to review the representation in six years' time which would be 2024.

The Chair put the substantive motion to the vote in separate parts. Part one was declared CARRIED by Division.

RECOMMENDED:	(BY DIVISION)	Minute No. PRC 18402
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"That the Committee recommends that Council:

- (i) receives the submissions received on the proposed representation arrangements for Hutt City for the 2019 local authority elections; and*
- (ii) retains the initial draft proposal, as attached as Appendix 1 to the report, for*

representation arrangements for Hutt City's 2019 local authority elections as follows:

- a) *the Mayor be elected at large; and*
- b) *that Council be comprised of 12 councillors with two councillors elected from each of six wards.*

(iii) directs officers to draft the final representation proposal for public notification."

For

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

Total: 6

Against

Cr Bridson
Cr Barry
Cr Briggs
Cr Lewis

Total: 4

Part two was declared CARRIED by Division and the casting vote of the Chair.

RECOMMENDED (BY DIVISION) (On the casting vote of the Chair)

Minute No. PRC 18403

"That the Committee recommends that Council:

- (i) chooses to retain the initial draft proposal, as attached as Appendix 1 to the report, for representation arrangements for Hutt City's 2019 local authority elections as follows:*

that the existing second tier representation arrangements, three elected Community Board and four Community Panels, remains; and

- (ii) asks officers to provide further information regarding the process of reviewing second tier representation again in 2021."*

For

Deputy Mayor Bassett
Cr Cousins
Cr Milne
Cr Sutton
Mayor Wallace

Total: 5

Against

Cr Bridson
Cr Barry
Cr Briggs
Cr Lewis
Cr Lulich

Total: 5

For the reasons that:

- there had not been adequate consultation to determine whether changing the boundary at Baring Head would be supported by the

affected people;

- the PublicVoice survey supported the status quo for first tier representation, once the data from self-selected participants had been accounted for;
- councillors had a greater degree of accountability when elected by ward compared to an at large election system;
- the ward system encouraged a diverse range of people to stand for their local community;
- there was evidence that respondents wanted change to the second tier, however, the community panels had only been operating for a year and needed more time to prove themselves;
- more information was required about community panels before Council could make a decision on whether to change the second tier system, therefore, the current mix of community boards and community panels should remain as they were for another term; and
- the survey results showed that people wanted a fair and equitable system of representation, and the current mix of community boards and community panels was not equitable, therefore, a further review in 2021 was required.

ii) **Heritage Policy Review (18/1387)**

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

In response to questions from members, the Divisional Manager, Strategy and Planning said that the definition of heritage should be wide enough to cover more than just the list buildings included in the District Plan. She said that once the policy had been developed, the preliminary definition of "Heritage" could be altered to ensure that it was congruent with the policy.

MOVED: (Cr Cousins/Mayor Wallace)

"That the Committee recommends that Council:

- (i) either:
 - (a) agrees to the proposed preliminary definition of heritage as a starting point for the discussion of heritage in Lower Hutt; OR
 - (b) agrees to the proposed preliminary definition of heritage with amendments;
- (ii) either:
 - (a) approves the draft Terms of Reference for the Heritage Policy review, as attached as Appendix 1 to the report; OR
 - (b) approves the draft Terms of Reference for the Heritage Policy review with amendments."

AMENDMENT MOVED: (Deputy Mayor Bassett/Cr Lewis)

"That the Committee recommends that Council:

- (i) agrees to the proposed preliminary definition of heritage as follows:

"Heritage is the full range of our inherited traditions, monuments, art, objects, and culture. Most important, it is the range of contemporary activities, meanings, and behaviours that we draw from that heritage. Heritage includes, but is more than preserving, excavating, displaying, or restoring a collection of old things. It is both tangible and intangible, in the sense that ideas and memories--of songs, recipes, language, dances, and many other elements of who we are and how we identify ourselves--are as important as historical buildings and archaeological sites.

Heritage is, or should be, the subject of active public reflection, debate, and discussion. What is worth saving? What can we, or should we, forget? What memories can we enjoy, regret, or learn from? Who owns "The Past" and who is entitled to speak for past generations? Active public discussion about material and intangible heritage--of individuals, groups, communities, and nations--is a valuable facet of public life"; and

- (ii) approves the draft Terms of Reference for the Heritage Policy review, as attached as Appendix 1 to the report with the following amendment:

that Council establishes a Strategic Heritage Working Group comprising of three elected members.”

The amendment was declared CARRIED on the voices.

RECOMMENDED: (Deputy Mayor Bassett/Cr Lewis) **Minute No. PRC 18404**

“That the Committee recommends that Council:

(i) *agrees to the proposed preliminary definition of heritage as follows:*

“Heritage is the full range of our inherited traditions, monuments, art, objects, and culture. Most important, it is the range of contemporary activities, meanings, and behaviours that we draw from that heritage. Heritage includes, but is more than preserving, excavating, displaying, or restoring a collection of old things. It is both tangible and intangible, in the sense that ideas and memories--of songs, recipes, language, dances, and many other elements of who we are and how we identify ourselves--are as important as historical buildings and archaeological sites.

Heritage is, or should be, the subject of active public reflection, debate, and discussion. What is worth saving? What can we, or should we, forget? What memories can we enjoy, regret, or learn from? Who owns "The Past" and who is entitled to speak for past generations? Active public discussion about material and intangible heritage--of individuals, groups, communities, and nations--is a valuable facet of public life”; and

(ii) *approves the draft Terms of Reference for the Heritage Policy review, as attached as Appendix 1 to the report with the following amendment:*

that Council establishes a Strategic Heritage Working Group comprising of three elected members.”

iii) **Purchase and Sale of Property for Advancing Strategic Projects - Updated Policy (18/1420)**

The General Manager, City Transformation elaborated on the report.

Cr Milne suggested that the policy include the risk of not being able to exit the property at an acceptable price.

RECOMMENDED: (Cr Milne/Cr Sutton)	Minute No. PRC 18405
<i>"That the Committee recommends that Council approves the updated Policy on Purchase and Sale of Property for Advancing Strategic Projects subject to an amendment to include the risk of 'not being able to exit the property at an acceptable price'."</i>	

For the reasons that this policy has been updated in line with a series of interviews on this matter and the views of the majority of interviewees has been captured.

iv) **Stanley Street Easement (18/1391)**

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

RECOMMENDED: (Cr Barry/Cr Briggs)	Minute No. PRC 18406
<i>"That the Committee recommends that Council agrees to an easement over the reserve property at 52N Stanley Street, Wainuiomata being Lot 2, DP 53598, in favour of the property at 46A Stanley Street for the rights to drain water and sewage."</i>	

v) **Property Sale - Wainuiomata (18/1421)**

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

RECOMMENDED: (Cr Briggs/Cr Cousins)	Minute No. PRC 18407
<i>"That the Committee recommends that Council:</i>	
<i>(i) notes that the owners of 57 Wellington Road have approached Council to acquire the drainage reserve adjacent to their property;</i>	
<i>(ii) notes that Council has previously agreed to similar proposals earlier this year in Wellington Road and Moohan Street; and</i>	
<i>(iii) agrees to sell the piece of drainage reserve, as shown in the plan, attached as Appendix 1 to the report, being part of Lot 98 DP14784, subject to the creation of an appropriate drainage easement in favour of Council."</i>	

vi) **Wainuiomata Hill Road - Road Stopping and Vesting (18/1446)**

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

RECOMMENDED: (Cr Barry/Cr Briggs)	Minute No. PRC 18408
<i>"That the Committee recommends that Council:</i>	
<i>(i) agrees to stop unformed legal road adjacent to the Wainuiomata Hill Road, identified on the plan attached as Appendix 1 to the report, as SO 25314 shaded orange and the additional triangular section shaded green;</i>	
<i>(ii) agrees that once the legal road is stopped that the new property be declared and classified as scenic reserve; and</i>	
<i>(iii) agrees to declare as legal road the triangular section of scenic reserve shown on the plan, attached as Appendix 1 to the report, shaded blue."</i>	

vii) **Wainuiomata Marae Development (18/1451)**

Speaking under public comment, **Mr S Olsen, representing Wainuiomata Marae**, said that he supported the proposal. He noted that discussions with Housing New Zealand were to build about 32 affordable homes on the property which would benefit the children.

In response to questions from members, Mr Olsen said that he supported the officer's recommendations. He advised there were a lot of people needing homes and the Marae had an obligation to their people. He added that Housing New Zealand would lease the land off the Marae.

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 report back on the status of whether rates would be payable on the developed land.

MOVED: (Mayor Wallace/Cr Briggs)

"That the Committee recommends that Council:

- (i) notes that the Wainuiomata Marae Trust is considering a proposal with Housing New Zealand for Papakāinga housing on part of the land that it manages in trust which is adjacent to the Marae;*
- (ii) notes that the Trust wishes to discuss with Council the future of the local purpose reserve on Parkway in regard to enabling a cohesive development for all of the land surrounding the Marae;*
- (iii) agrees to consider options for the Council reserve land including the possibility of revoking the reserve status and vesting it in the Wainuiomata Marae Trust in terms of the Te Ture Whenua Maori Act*

1993; and

- (iv) directs officers to publicly notify a proposal to revoke the reserve status of the local purpose reserve situated at 9 Wellington Road, for the purpose of adding this land to the existing area of the Maori reservation under the control of the Wainuiomata Marae Trust.”

AMENDMENT MOVED: (Cr Milne/Cr Cousins)

“That the Committee recommends that Council:

- (i) notes that the Wainuiomata Marae Trust is considering a proposal with Housing New Zealand for Papakāinga housing on part of the land that it manages in trust which is adjacent to the Marae;
- (ii) notes that the Trust wishes to discuss with Council the future of the local purpose reserve on Parkway in regard to enabling a cohesive development for all of the land surrounding the Marae;
- (iii) agrees to consider options for the Council reserve land including the possibility of revoking the reserve status and vesting it in the Wainuiomata Marae Trust in terms of the Te Ture Whenua Maori Act 1993;
- (iv) directs officers to publicly notify a proposal to revoke the reserve status of the local purpose reserve situated at 9 Wellington Road, for the purpose of adding this land to the existing area of the Maori reservation under the control of the Wainuiomata Marae Trust; and
- (v) asks officers to report to Council on whether or not this development will be liable for rates.”

Mayor Wallace said that he supported the opportunity for the Marae to partner with the Ministry of Social Development for this development. He added that Council needed some clarity about whether rates would be paid on the property.

Cr Barry expressed support for the proposal because it made sense to use the land.

Cr Milne, in his right of reply, said that he supported more houses in Wainuiomata, as properties funded by Housing New Zealand would pay rates. However, if there was a problem with the property being liable for rates, then an alternative process, such as a lease, could resolve the issue.

The amendment was declared CARRIED on the voices.

RECOMMENDED: (Cr Milne/Cr Cousins)

Minute No. PRC 18409

"That the Committee recommends that Council:

- (i) notes that the Wainuiomata Marae Trust is considering a proposal with Housing New Zealand for Papakāinga housing on part of the land that it manages in trust which is adjacent to the Marae;*
- (ii) notes that the Trust wishes to discuss with Council the future of the local purpose reserve on Parkway in regard to enabling a cohesive development for all of the land surrounding the Marae;*
- (iii) agrees to consider options for the Council reserve land including the possibility of revoking the reserve status and vesting it in the Wainuiomata Marae Trust in terms of the Te Ture Whenua Maori Act 1993;*
- (iv) directs officers to publicly notify a proposal to revoke the reserve status of the local purpose reserve situated at 9 Wellington Road, for the purpose of adding this land to the existing area of the Maori reservation under the control of the Wainuiomata Marae Trust; and*
- (v) asks officers to report to Council on whether or not this development will be liable for rates."*

viii) **Local Alcohol Policy (LAP) (18/1416)**

Cr Cousins declared a conflict of interest and left the meeting for the duration of the item. Mayor Wallace assumed the Chair.

The Principal Policy Advisor elaborated on the report. He tabled an update to page four of the Local Alcohol Policy (LAP), attached as page 21 to the minutes.

The General Counsel said that the appeals to the LAP had been settled and this would be the final procedural step to bring the LAP into force.

RECOMMENDED: (Mayor Wallace/Cr Barry) **Minute No. PRC 18410**

"That the Committee recommends that Council:

- (i) notes that the appeals on the amendment to the Hutt City Local Alcohol Policy (LAP) have been settled and the Alcohol Regulatory and Licensing Authority (ARLA) notified Council that the appeals are at an end on 7 August 2018;*
- (ii) notes that, pursuant to section 87(1) of the Sale and Supply of Alcohol Act 2012 (SASA), this means the amendment to the LAP was adopted 30 days after Council publicly notified it on 29 August 2017, being 28 September 2017;*
- (iii) instructs officers to give the required further public notice that the amendment to the LAP has been adopted under section 90(1) of the SASA, in the form required by clause 19 of the Sale and Supply of Alcohol Regulations 2013;*
- (iv) resolves that the amendment to the LAP attached as Appendix 1 to the report, will come into force:*
 - (a) for the amendments to element 1.2, on 19 October 2018;*
 - (b) for the amendments to element 1.1, on 25 January 2019; and*
- (v) instructs officers to carry out all other matters required by the SASA and associated regulations, including notifying affected parties under s90(5) of the Act, giving ARLA a copy of the amended LAP under s91(2) of the Act and ensuring the amendment LAP is published and displayed in accordance with clause 20 of the Sale and Supply of Alcohol Regulations 2013."*

For the reason that Council needs to complete the legal formalities associated with the adoption of the LAP.

ix) **Smoke-free Policy - Report Back on Smokefree Areas (18/1426)**

Cr Cousins resumed the Chair.

The Activator elaborated on the report.

In response to a question from a member, the Activator said that Council had received one registered complaint about someone smoking in the street.

Cr Briggs said that the Smoke-free Policy was to bring about social change and expressed support for Healthy Families relationships with communities.

RECOMMENDED:	(Cr Briggs/Cr Lewis)	Minute No. PRC 18411
<i>"That the Committee recommends that Council:</i>		
<i>(i) notes the report on the second 12 months of implementing the Smokefree Lower Hutt Action Plan 2016-19;</i>		
<i>(ii) approves the recommendation of the Wainuiomata Community Board to designate the area of Queen Street as a smokefree area as outlined in yellow in the map attached as Appendix 2 to the report;</i>		
<i>(iii) notes that officers will continue to explore designating areas in suburban shopping centres as smokefree;</i>		
<i>(iv) in 2018, officers are exploring the following areas: the CBD, Jackson Street, Taita, Naenae and Moera; and</i>		
<i>(v) notes that officers will report back to Council with recommendations in relation to these areas."</i>		

For the reasons that this option of designating the area of Queen Street as a smokefree area will increase the number of smokefree outdoor public places with a particular focus on areas where children and families congregate and socialise and where the impact from the visibility of smoking is greatest. Exploration into designating the CBD, Jackson Street, Taita, Naenae and Moera as smokefree areas, is because these are centres that either have high foot traffic or high rates of smoking.

x) **Alcohol Ban at Days Bay Beach for Concert (18/1409)**

The Commercial Events Developer elaborated on the report.

In response to questions from members, the Commercial Events Developer said that the proposed alcohol ban was to prevent sideloading, and to limit an incident occurring over the period the event would be held. He further said that Police would be patrolling the event.

RECOMMENDED: (Cr Cousins/Cr Sutton) **Minute No. PRC 18412**
"That the Committee recommends that Council approves a temporary Alcohol Free Zone and relevant temporary signage along the Days Bay Beach between 12:00 midday and 9pm on 21 January 2019, for the area marked yellow on the map attached as Appendix 2 to the report."

For the reasons that there is no restriction on the consumption of wholesale alcohol on Days Bay beach between 5:00am and 9:00pm, this increases the probability of anti-social and unsafe behaviour for the duration of the concert. Council's Promotions and Events team, the NZ Police and the Chair of the Eastbourne Community Board unanimously agree an alcohol ban on the Days Bay Beach 21 January, 2019 is the most sensible action.

6. **STRATEGIC WASTE REVIEWS** (18/1433)

Report No. PRC2018/4/250 by the Sustainability and Resilience Manager

The Sustainability and Resilience Manager elaborated on the report.

In response to a question from a member, the Sustainability and Resilience Manager said that waste collection outcomes could be incorporated into the tender process.

RESOLVED: (Cr Bridson/Cr Lewis) **Minute No. PRC 18413**

"That the Committee:

- (i) *notes that officers are undertaking reviews and are developing business cases in three waste management areas: kerbside collection, a potential resource recovery centre, and hazardous waste, with the results due by March 2019;*
- (ii) *notes that officers have commenced a review of Council's Refuse Collection and Disposal Bylaw;*
- (iii) *notes that officers are planning to conduct a workshop with Councillors in early 2019 to assist in problem definition and options analysis for the new bylaw; and*
- (iv) *notes that a new bylaw will need to be in place by no later than 1 April 2020."*

7. **GENERAL MANAGER'S REPORT** (18/1308)

Report No. PRC2018/4/251 by the Divisional Manager Environmental Consents and the Divisional Manager Regulatory Services and Emergency Management

The Divisional Manager Regulatory Services and Emergency Management and the Building and Quality Assurance Manager elaborated on the report.

Members noted that all of the buildings with unreinforced masonry facades or parapets had now completed structural engineering work. The members recorded their appreciation to officers for their expeditious work in that area.

RESOLVED: (Cr Cousins/Mayor Wallace)

Minute No. PRC 18414

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

8. **INFORMATION ITEM**

Policy and Regulatory Committee Work Programme (18/1379)

Report No. PRC2018/4/125 by the Committee Advisor

The Committee Advisor elaborated on the report.

RESOLVED: (Cr Cousins/Cr Sutton)

Minute No. PRC 18415

"That the report be noted and received."

9. **QUESTIONS**

There were no questions.

10. **EXCLUSION OF THE PUBLIC**

RESOLVED: (Cr Cousins/Mayor Wallace)

Minute No. PRC 18416

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

11. *Review of Private Use of Public Land Policy (18/1027)*

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

Ground under section 48(1) for the passing of

	<i>each matter.</i>	<i>this resolution.</i>
<i>Review of Private Use of Public Land Policy.</i>	<i>The withholding of the information is necessary to protect the privacy of natural persons. (s7(2)(a)). The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities (s7(2)(h)).</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exist.</i>

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 8.47pm and the non-public portion of the meeting closed at 9.46pm.

Cr MJ Cousins
CHAIR

CONFIRMED as a true and correct record
Dated this 9th day of October 2018

Appendix 1

[Page 4 of Hunt City LAP]

- a. The location of licensed premises by reference to broad areas
- b. Location of licensed premises by reference to proximity to premises of a particular kind or kinds
- c. Location of licensed premises by reference to proximity to facilities of a particular kind or kinds
- d. Whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any part of the district
- e. Maximum trading hours
- f. The issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions
- g. One-way door restrictions.

Clauses (e) to (g) above apply to special licences, or premises for which a special licence is held or has been applied for.

A local alcohol policy cannot include policies on matters unrelated to licensing.

Section 78 of the Act outlines the matters that a Council must have regard to when producing a draft policy. These are:

- a. the objectives and policies of its district plan;
- b. the number of licences of each kind held for premises in its district, and the location and opening hours of each of these premises;
- c. any areas where bylaws prohibiting alcohol in public places are in force;
- d. the demography of the district's residents;
- e. the demography of people who visit the district as tourists or holidaymakers;
- f. the overall health indicators of the district's residents; and
- g. the nature and severity of the alcohol-related problems arising in the district.

Outlined below is the Local Alcohol Policy adopted by the Council at its meeting on 9 October 2018, 24 May 2016. Pursuant to section 90 (2) (a) and (b) of the Sale and Supply of Alcohol Act 2012, this policy will come into effect as follows:

- ~~a) Cinemas as outlined in clause 1.1 of the policy, 10 January 2019.~~
- ~~b) The balance of the policy, 16 October 2018, on 1 September 2016.~~

DELETED
AND THIS
TO BE NOW INSERTED.

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Originally adopted by Council: 24 May 2016.
Date of adoption of amendment: 28 September 2017.
On Licences: Clause 1.1 as it relates to Function Centres being permitted to operate with the same conditions as Taverns, Hotels and Nightclubs, effective 25 January 2019.
On Licences: Clause 1.1 as it relates to Cinemas, effective 25 January 2019.
Off Licences: Clause 1.2 (a), (b) and (c) effective 19 October 2018.