



7 February 2019

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

**Either on Tuesday, 12 February 2019 or Wednesday 13
February 2019 commencing at the conclusion of the
Community Plan Committee**

Membership

Mayor W R Wallace (Chair)

Deputy Mayor D Bassett

Cr G Barratt

Cr L Bridson

Cr M Cousins

Cr T Lewis

Cr G McDonald

Cr L Sutton

Cr C Barry

Cr J Briggs

Cr S Edwards

Cr M Lulich

Cr C Milne

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

COUNCIL

Membership:	13
Meeting Cycle:	Council meets on a six weekly basis (Extraordinary Meetings can be called following a resolution of Council; or on the requisition of the Chair or one third of the total membership of Council)

POWER TO (BEING A POWER THAT IS NOT CAPABLE OF BEING DELEGATED)¹:

- Make a rate.
- Make bylaws.
- Borrow money other than in accordance with the Long Term Plan (LTP).
- Purchase or dispose of assets other than in accordance with the LTP.
- Purchase or dispose of Council land and property other than in accordance with the LTP.
- Adopt the LTP, Annual Plan and Annual Report.
- Adopt policies required to be adopted and consulted on under the Act in association with the LTP or developed for the purpose of the Local Governance Statement.
- Appoint the Chief Executive.
- Exercise any powers and duties conferred or imposed on the local authority by the Public Works Act 1981 or the Resource Management Act 1991 that are unable to be delegated.
- Undertake all other actions which are by law not capable of being delegated.
- The power to adopt a Remuneration and Employment Policy.

DECIDE ON:

Policy issues

- Adoption of all policy required by legislation.
- Adoption of policies with a city-wide or strategic focus.

District Plan

- Promotion of Plan Changes and Variations recommended by the District Plan Committee prior to public notification.
- The withdrawal of Plan Changes in accordance with clause 8D, Part 1, Schedule 1 of the Resource Management Act 1991.

¹ Work required prior to the making of any of these decisions may be deleted.

- Approval, to make operative, of District Plan and Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).

Representation, electoral and governance matters

- The method of voting for the Triennial elections.
- Representation reviews.
- Council's Code of Conduct and Local Governance Statement.
- Elected Members Remuneration.
- The outcome of any extraordinary vacancies on Council.
- Any other matters for which a local authority decision is required under the Local Electoral Act 2001.
- All matters identified in these Terms of Reference as delegated to Council Committees (or otherwise delegated by the Council) and oversee those delegations.
- Council's delegations to officers and community boards.

Delegations and employment of the Chief Executive

The review and negotiation of the contract, performance agreement and remuneration of the Chief Executive.

Meetings and committees

- Standing Orders for Council and its committees.
- Council's annual meeting schedule.

Operational matters

- The establishment and disposal of any Council Controlled Organisation or Council Controlled Trading Organisation and approval of annual Statements of Corporate Intent on the recommendation of the Finance and Performance Committee.
- Civil Defence Emergency Management Group matters requiring Council's input.
- Road closing and road stopping matters.
- All other matters for which final authority is not delegated.

Appoint:

- The non-elected members of the Standing Committees (including extraordinary vacancies of non-elected representatives).
- The Directors of Council Controlled Organisations and Council Controlled Trading Organisations.
- Council's nominee on any Trust.

- Council representatives on any outside organisations (where applicable and time permits, recommendations for the appointment may be sought from the appropriate standing committee and/or outside organisations).
- The Chief Executive of Hutt City Council.
- Council's Electoral Officer, Principal Rural Fire Officer and any other appointments required by statute.

HUTT CITY COUNCIL

Ordinary meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road,
Lower Hutt
commencing either on Tuesday, 12 February 2019 or Wednesday, 13 February 2019 (at
the conclusion of the Community Plan Committee)

ORDER PAPER PUBLIC BUSINESS

1. APOLOGIES

No apologies have been received.

2. PUBLIC COMMENT

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

3. CONFLICT OF INTEREST DECLARATIONS

4. PROPOSED ANNUAL PLAN 2019/2020 (19/120)

MAYOR'S RECOMMENDATION:

"That Council adopts the underlying information for the proposed Annual Plan 2019-2020."

5. MISCELLANEOUS

a) Amendments to the Terms of Reference for the District Plan Subcommittee, the City Development Committee and Council (19/107)

Memorandum dated 30 January 2019 by the Divisional Manager,
Democratic Services

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MAYOR'S RECOMMENDATION:

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

6. QUESTIONS

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

Kathryn Stannard
Divisional Manager, Democratic Services

Our Reference 19/107

TO: Mayor and Councillors
Hutt City Council



FROM: Kathryn Stannard

DATE: 30 January 2019

SUBJECT: AMENDMENTS TO THE TERMS OF REFERENCE FOR
THE DISTRICT PLAN SUBCOMMITTEE, THE CITY
DEVELOPMENT COMMITTEE AND COUNCIL

Recommendation

That Council:

- (i) notes the recommended Terms of Reference for the newly established District Plan Subcommittee set out in Appendix 1 to address Council's decision made at its meeting held on 11 December 2018;
- (ii) notes that amendments to the Terms of Reference for the City Development Committee and Council are required as set out in Appendix 2 and Appendix 3 to address Council's decision made at its meeting held on 11 December 2018; and
- (iii) adopts the Terms of Reference for the City Development Committee, the District Plan Subcommittee and Council attached as Appendix 1, 2 and 3 to the memorandum.

Purpose of Memorandum

1. The purpose of this memorandum is to ask Council to consider adopting the terms of reference for the District Plan Subcommittee, the City Development Committee and Council.

Background

2. Terms of Reference set out the principal areas for which Council maintains overall responsibility. They also set out the delegations of Council functions, duties, and powers to Council committees/subcommittees and working groups.
3. Council at its meeting held on 11 December 2018 resolved the following:-

RESOLVED: (Mayor Wallace/Deputy Mayor Bassett) (By Division)

Minute No. C 18501(2)

"That Council:

- (i) *restructures the District Plan Committee as a subcommittee reporting to the City Development Committee, chaired by Deputy Mayor Bassett to better align the District Plan to meet the Council's strategic goals, policy and vision; and*
- (ii) *agrees to amend the terms of reference of the City Development Committee and District Plan Committee to reflect part (i) above."*

Terms of Reference

4. The recommended Terms of Reference for the District Plan Subcommittee, the City Development Committee and Council (attached as Appendix 1, 2 and 3 to the memorandum) have been amended to reflect Council's decision (refer to point 3 above).
5. These amendments are recommended to address matters that arose from the last Council meeting and a comment made by Meeting and Governance Solutions in regard to the proposed review of the committee structure and associated terms of reference for committees.
6. The recommended amendments cover the following:

District Plan Subcommittee

- Change in the membership.
- The need for cross referencing the matters of the District Plan Subcommittee with the parent body (the City Development Committee) as agreed at the last Council meeting.
- Change in the quorum for the Hearing Panel. See heading 9 of the report.
- A new section outlining the relevant section of the Resource Management Act 34A to appreciate the part of the Act that refers to conducting a hearing.
- Delegation be given to the Chair, in conjunction with the Chief Executive, to appoint suitably qualified person(s) to conduct hearings on behalf of the subcommittee as recommended by Meeting and Governance Solutions.

City Development Committee

An additional section has been added to reflect that the District Plan Subcommittee reports to its parent body (the City Development Committee).

Council

The need for cross referencing the matters of the City Development Committee with Council.

Consultation

7. The Terms of Reference for the District Plan Subcommittee has been discussed informally with the Chair of the District Plan Subcommittee.

- 8. The Terms of Reference for the District Plan Subcommittee have been reviewed by the General Counsel and the Divisional Manager District Plan.
- 9. The Divisional Manager District Plan recommended that a quorum of one for the Hearing Panel which would allow Panels to be sized appropriately to the task at hand. For example, relatively minor Plan Changes may be able to be dealt with by a single hearing commissioner.
- 10. The Divisional Manager District Plan raised the comment that providing for Hearing Panels to make their recommendations directly to Council would avoid delays and administrative costs, given that Council is able only to accept or reject, rather than amend, the recommendations of a Hearing Panel.

Appendices

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Author: Kathryn Stannard
Divisional Manager, Democratic Services

Reviewed By: Bradley Cato
General Counsel

Approved By: Tony Stallinger
Chief Executive

DISTRICT PLAN SUBCOMMITTEE

Membership:	5 elected members
	Certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers is encouraged.
Quorum:	3
Meeting Cycle:	Meets on a six weekly basis as required or at the requisition of the Chair
Reports to:	City Development Committee

PURPOSE

To prepare, monitor and review the City of Lower Hutt District Plan.

The District Plan Subcommittee sets the District Plan Work Programme and monitors its implementation.

The District Plan Subcommittee recommends to the City Development Committee (for Council approval):

- District Plan changes and District Plan variations prior to notification.
- Private District Plan Change requests for Council to *Accept, Adopt or Reject*.

Council makes decisions to notify District Plan changes (and variations).

District Plan Hearing Panels (see below) are appointed by the Chair, in conjunction with the Chief Executive. Hearing Panels comprise elected members and/or independent commissioners. All Hearing Panel members must be certified under the Making Good Decisions programme.

District Plan Hearing Panels make recommendations to the City Development Committee (for Council approval) on the Proposed District Plan provisions and matters raised in submissions.

Council makes its decision on the provisions and matters raised in submissions. The Council decision may be appealed to the Environment Court.

Council gives final approval to make District Plan changes operative, in accordance with clause 17 of Schedule 1 of the Resource Management Act 1991.

DISTRICT PLAN HEARING PANEL

Membership:	Members are appointed for specific projects by the Chair in conjunction with the Chief Executive.
	All members must hold current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.

The Chair must in addition hold Chair certification.

Note:

34A Delegation of powers and functions to employees and other persons

(1A) If a local authority is considering appointing 1 or more hearings commissioners to exercise

a delegated power to conduct a hearing under Part 1 or 5 of Schedule 1,—

- (a) the local authority must consult tangata whenua through relevant iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū; and
- (b) if the local authority considers it appropriate, it must appoint at least 1 commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū, in consultation with relevant iwi authorities.

Quorum:	1
Meeting:	As required
Reports to:	City Development Committee

PURPOSE

To make recommendations (with reasons) to the City Development Committee (for Council approval) on Proposed District Plan provisions and matters raised in submissions.

The District Plan Hearing Panel has all the powers necessary to conduct a hearing for this purpose.

When a District Plan Hearing Panel has an even number of members, the Chair has a casting vote.

NOTE:

- The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Making Good Decisions RMA training that MfE runs (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

- 1 Hearings commissioners are kept abreast of developments in the legislation.
- 2 Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
- 3 The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.



CITY DEVELOPMENT COMMITTEE

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

PURPOSE:

To monitor Council's performance in promoting the on-going growth, redevelopment and improvement of the City, oversee the delivery of projects which contribute to these outcomes and to monitor the delivery of the regulatory and operational services in accordance with goals and objectives set by Council and ensure compliance with relevant legislation.

Determine and where relevant monitor:

The framework and timetable for relevant work programmes contained in Council's policies, vision statements and strategies to ensure objectives are being met, including:

- The monitoring of key City Development Projects.
- Progress towards achievement of the Council's economic outcomes as outlined in the Economic Development Strategy.
- To consider the monitoring and review the outcomes from the major events programme.
- Oversight of the Advisory Group for economic development and city events.
- Temporary road closures and stopping associated with events.
- Naming new roads and alterations to street names (Central, Eastern, Western and Northern Wards only).
- The effective implementation of Council policies through monitoring the achievement of stated objectives.
- Exercise of Council's statutory and regulatory responsibilities and compliance with relevant legislation.
- Roading issues considered by the Mayor and Chief Executive to be strategic due to their significance on a city-wide basis, including links to the State Highway, or where their effects cross ward or community boundaries.
- Matters arising from issues raised relating to climate change.

Review and make recommendations to Council on:

- Plans that promote for the on-going growth, redevelopment and improvement of Hutt City
- Operational and capital projects to promote city development including associated issues such as scope, funding, prioritising and timing of projects.
- Changes to aspects of the LTP arising from issues raised before the committee in the course of its deliberations.
- Operational contracts, agreements, grants and funding for city and economic development purposes.
- Civil Defence Emergency Management Group Plan matters as required.
- Any matter being recommended from the District Plan Subcommittee as detailed in its specific terms of reference (refer to the District Plan Subcommittee's terms of reference).

General:

- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility.

Conduct:

- Hearing of submissions required on any matters falling under the Terms of Reference for this committee.

Note: this does not include hearing objections to conditions imposed on resource consents which will be heard by the Council's Policy and Regulatory Committee.

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