

HUTT CITY COUNCILPOLICY AND REGULATORY COMMITTEE

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

Monday 29 April 2019 commencing at 5.30pm

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**PRESENT:**

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

**APOLOGIES:** An apology was received from Cr Sutton

**IN ATTENDANCE:**

Mr T Stallinger, Chief Executive  
 Ms H Oram, Acting General Manager, City Transformation  
 Ms W Moore, Divisional Manager, Strategy and Planning (part meeting)  
 Mr B Cato, General Counsel (part meeting)  
 Mr G Stuart, Divisional Manager, Regulatory Services and Emergency Management (part meeting)  
 Ms J Henton, City Archivist (part meeting)  
 Mr D Kerite, Acting Divisional Manager, Environmental Consents (part meeting)  
 Mr D Bentley, Team Leader Environmental Health (part meeting)  
 Mr G Sewell, Principal Policy Advisor (part meeting)  
 Ms O Miller, Policy Advisor (part meeting)  
 Mr D Burt, Senior Advisor Sustainability and Resilience (part meeting)  
 Ms J Randall, Committee Advisor

PUBLIC BUSINESS1. **APOLOGIES**

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

**Minute No. PRC 19203**

*"That the apology received from Cr Sutton 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

The Chair and Cr Edwards declared a conflict of interest in item 4i) Proposed Alcohol Fees Bylaw. The Chair advised Mayor Wallace would assume the Chair for the duration of the discussion on this item.

### 4. RECOMMENDATIONS TO COUNCIL - 21 May 2019

#### i) Proposed Alcohol Fees Bylaw (19/402)

Speaking under public comment, **Mr M Shierlaw** disagreed with the report's suggestion that alcohol licensing costs should be met by licensees. He suggested that both the buyer and the seller benefited from the sale of alcohol and the cost should be borne evenly by both. He questioned the accuracy of the allocated overhead costs. He said that cost allocations needed to be demonstrably accurate if 90% cost recovery was being sought by Council. He noted the proposed Fees Policy appeared to be based on levels of risk rather than on the person who held the operating licence. He cautioned sports clubs might be considered high risk and that charging them higher fees was not in a community's best interests.

In response to questions from members, Mr Shierlaw did not agree that his concerns would be placated by retailers passing on costs to buyers. He did not consider cost recovery from those selling alcohol was in the city's best interests. He said he had not recently reviewed other Council charges and their ratio of costs.

The Chair and Cr Edwards declared a conflict of interest with regard to the Proposed Alcohol Fees Bylaw and took no part in any discussion or voting on matters relating to the item.

Mayor Wallace assumed the Chair for the duration of the item.

The Principal Policy Advisor elaborated on the report.

In response to questions from a member, the Team Leader, Environmental Health advised that sports clubs risk ratings could be affected by opening hours, the number of members over 18 and compliance breaches. He noted that sports clubs generally scored a low risk rating so could expect lower fees. He added clubs would normally apply for a club licence and should only apply for multiple special licences if events were related.

In response to a question from a member, the Policy Advisor explained that the user pays model was needed in this case because although buyers were paying, so were ratepayers. The Chief Executive provided an example of commercial business leases where business recouped costs

from customers only.

The Acting General Manager, City Transformation said a review completed some time ago advised that the Environmental Consents team should be operating under a business model. She noted this bylaw would align alcohol charges with other consent fees.

Cr Bridson expressed support for the consultation in its current form. She suggested it might be useful if Council had another look at the past review of Council services and charges. Mayor Wallace agreed this should happen.

Cr Milne considered the proposed blanket measures were punitive and that retailers would incur significant costs as a result. He believed the measures would price small retailers out of the market. He did not agree that alcohol fees should be compared with other consent charges. He did not consider the Alcohol Fees Bylaw was warranted and did not support it.

Cr Barry recognised the possible impact on sports clubs was a matter for concern. He nevertheless considered that ratepayers should not be subsidising alcohol fees. He proposed that any savings resulting from the bylaw should be returned to the ratepayers.

**RECOMMENDED:** (Cr Cousins/Cr Bridson) **Minute No. PRC 19204**

*"That the Committee recommends that Council:*

- (i) notes a 'pre-consultation' process has been undertaken concerning the proposed Alcohol Fees Bylaw and a hearing of nine submissions was undertaken on 8 February 2019;*
- (ii) notes that the Hearings Subcommittee has recommended that the Committee recommends to Council that the proposed bylaw should proceed to Council;*
- (iii) agrees to consult on the Summary of Information, Statement of Proposal and Proposed Alcohol Fees Bylaw (a draft of which is set out respectively in Appendix 1, Appendix 2 and Appendix 3 attached to the report subject to legal confirmation and any changes requested by the Committee) in accordance with the requirements of the Local Government Act 2002 by means of a special consultative procedure; and*
- (iv) agrees to establish a subcommittee to hear submissions on whether an Alcohol Fees Bylaw is needed and then make recommendations to Council."*

For the reason that as a consequence of the Sale and Supply of Alcohol (Fees) Regulations 2013, The Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013 and the Local Government Act 2002 there is a requirement to undertake the special consultative procedure when proposing a new Bylaw.

Cr Milne requested that his dissenting vote be recorded against the above matter.

Cr Cousins resumed the Chair.

ii) Heritage Policy (19/448)

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

In response to questions from members, Mr D Batchelor, a representative of Cuttriss Consultants Ltd, advised he had engaged with residents throughout Lower Hutt on the Heritage Policy review. He noted the views expressed were variable but that residents overall cared about heritage, the history and the community in their city. He said many residents agreed Jackson Street buildings needed protection but they were more hesitant in regard to residential buildings. He explained residents living in suburbs without a commercial centre placed high value on residential buildings. He concluded a nuanced approach might be needed for the city.

In response to questions from members, the Divisional Manager, Strategy and Planning said consulting with residents at the policy stage would help to bring residents alongside Council on the issue. She added that most heritage buildings were private property and without a policy they might have no protection. She explained her team had been working on ways to engage with and incentivise property owners. She said they had been investigating voluntary and compensatory approaches. She added incentives could range from advice to compensation if the value of property was affected significantly. She advised a workshop would be held to further inform Councillors on the matter before the Heritage Policy was drafted. She confirmed no indicative costs had been provided to residents with regard to possible rate rises but acknowledged this could be done.

Deputy Mayor Bassett expressed support for incentivising owners to protect their buildings. He expressed concern that some property owners might have caveats placed on their buildings.

Crs Lulich, Lewis and Barry expressed support for the Heritage Policy. They recognised education would be important for its success. Cr Barry suggested heritage could bring significant economic benefit to the city.

Mayor Wallace agreed that public education was crucial for the success of the Heritage Policy. He recognised that early communication with residents was essential to gain community understanding and support for the measures.

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

**Minute No. PRC 19205**

*“That the Committee recommends that Council:*

- (i) notes the results of the Citizen's Panel heritage survey and community engagement;*
- (ii) agrees to the following definition of heritage values as a starting point for consultation on a draft Heritage Policy:*

*Heritage value means possessing historical, archaeological, architectural, technological, aesthetic, scientific, spiritual, social, traditional or other special cultural significance, associated with human activity. (1992 Charter for the Conservation of Places of Cultural Heritage Value);*

(iii) *agrees to the proposed approach to the development of the Heritage Policy which is that the draft heritage policy contain the following aspects:*

- (a) *Clearly defines heritage and/or heritage values;*
- (b) *Recognition and preservation of the importance of local stories and history, Council's role in enabling this to happen;*
- (c) *Recognition of mana whenua, their history, heritage and sites of significance. Intrinsic in this is the identification, management and conservation of significant Māori sites. All work must be completed with advice and direction from mana whenua;*
- (d) *Recognition of important historical areas, buildings and sites of historical importance and Council's role in protecting, maintaining and publicising these;*
- (e) *Recognition of archaeological sites and and Council's role in protecting, maintaining and publicising these;*
- (f) *Heritage collections of significance and how these are collected, stored and managed;*
- (g) *Incentives focused on conserving built heritage and sites of historical importance;*
- (h) *Residential heritage buildings of historical importance and financial incentives related to this;*
- (i) *Council's relationship with Heritage New Zealand and other heritage specialists; and*
- (j) *Public education about heritage in the city, the District Plan and the Resource Management Act; and*

(iv) *notes that the incoming Council will need to be advised of any financial implications of the new Heritage Policy once it is agreed and will need to consider these in the 2020/2021 Annual Plan budget process."*

For the reasons that are outlined in the report.

5. **ACTIVITY REPORT: EMERGENCY MANAGEMENT** (19/433)

Report No. PRC2019/2/1 by the Divisional Manager, Regulatory Services and Emergency Management

The Divisional Manager, Regulatory Services and Emergency Management elaborated on the report. He advised that since the Wellington Regional Emergency Management Office

(WREMO) was formed in 2012 it had provided advice to staff, training, earthquake planning and other measures such as the blue tsunami lines. He noted that since the 2016 Kaikoura Earthquake, Councils had together increased their investment in staff and recovery measures. He added Council ran an Emergency Management Office, provided emergency response plans and assisted regionally with recovery planning work.

In response to a question from a member, the Divisional Manager, Regulatory Services and Emergency Management advised the majority of costs emerging from Central Government's review of Emergency Management would be borne by Central Government. He noted Lower Hutt was already well resourced regionally.

The Chief Executive said he anticipated additional costs with regard to staff time as well as pressure for more investment. He said there were now higher expectations for formal qualifications and training for key personnel. He expected costs would not be significant and considered them reasonable given the possible scale of a natural disaster.

**RESOLVED:** (Mayor Wallace/Deputy Mayor Bassett)

**Minute No. PRC 19206**

*"That the Committee:*

- (i) notes the information contained in the report;*
- (ii) notes that this review also meets the intent of section 17A of the Local Government Act 2002; and*
- (iii) notes that reasonably practicable options for the governance, funding and delivery of this Activity are being considered by officers and will be reported to Council in due course."*

**6. GENERAL MANAGER'S REPORT (19/413)**

Report No. PRC2019/2/63 by the Acting General Manager City Transformation

The Divisional Manager, Regulatory Services and Emergency Management gave a presentation on Doggone, a new dog tracking technology (app) recently trialled by Council. He advised the registration tag and free app would be offered to dog owners when their dogs were due for registration. He explained the registration tag was linked to a mesh network which sent a GPS signal to the owner's phone each time the dog walked past another phone with the app. He said owners could only track their own dog. He noted a trial in Stokes Valley had been successful with almost all participants approving of the idea. He said the idea for the app had been driven by dog owners and he expected it to grow in popularity. He concluded the app would be promoted to dog owners before dog registrations were due this year.

In response to questions from members, the Divisional Manager, Regulatory Services and Emergency Management advised the collected data was owned by Doggone and Council had access to it. He said the app had been seen by the Privacy Commissioner and it was compliant with New Zealand privacy laws. He was confident the app would reduce costs for Council since staff were regularly engaged in searching for dogs. He anticipated the app would reduce costs for the public once rechargeable registration tags were available. He said currently the tag had an 18 month life. He noted there were 9,562 dogs registered in Lower Hutt. He explained the peak of infringements in February was due to a targeted operation at that time on dogs that had not been microchipped.

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

**Minute No. PRC 19207**

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

**7. WHAITUA TE WHANGANUI-A-TARA PROCESS UPDATE (19/434)**

Report No. PRC2019/2/62 by the Senior Advisor Sustainability and Resilience

The Senior Advisor Sustainability and Resilience elaborated on the report.

Cr Lewis advised the Whaitua Committee (the Committee) members had been visiting water catchment areas and learning about water issues.

The Senior Advisor Sustainability and Resilience advised the next meeting of the Committee would be held in Hutt City Council Chambers and would be for members only.

In response to questions from members, the Senior Advisor Sustainability and Resilience explained the closed meetings were designed for free and frank discussion which might otherwise be inhibited. He said the Committee intended developing a strong engagement plan. He added the newly elected Committee member was Ms Louise Askin.

The Chair requested that the Policy and Regulatory Committee be kept up to date with developments by Council's representatives on the Committee. She requested they spoke on behalf of ratepayers at meetings and ensured aspirations were affordable.

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

**Minute No. PRC 19208**

*"That the Committee notes the update on the Whaitua te Whanganui-a-Tara process."*

For the reason: Hutt City Council has a representative (Cr Lewis) on the Whaitua Te Whanganui-a-Tara Committee that is leading this process.

**8. INFORMATION ITEM**

**Policy and Regulatory Committee Work Programme (19/462)**

Report No. PRC2019/2/48 by the Committee Advisor

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

**Minute No. PRC 19209**

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

**9. QUESTIONS**

There were no questions.

**10. EXCLUSION OF THE PUBLIC**

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

**Minute No. PRC 19210**

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

11. *Land Sale Tirohanga Road (19/476)*

*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>Land Sale Tirohanga Road.</i>	<p><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)).</i></p> <p><i>The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s7(2)(i)).</i></p>	<p><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></p>

*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 6.58pm and the non-public portion of the meeting closed at 7.09pm.

Cr MJ Cousins  
**CHAIR**

**CONFIRMED as a true and correct record**  
**Dated this 21<sup>st</sup> day of May 2019**