



Te Kaunihera o Te Awa Kairangi

2 February 2021

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

**Wednesday 10 February 2021 commencing at the
conclusion of the Long Term Plan/Annual Plan
Subcommittee meeting**

Membership

Mayor C Barry (Chair)

Deputy Mayor T Lewis

Cr D Bassett
Cr K Brown
Cr S Edwards
Cr C Milne
Cr S Rasheed
Cr L Sutton

Cr J Briggs
Cr B Dyer
Cr D Hislop
Cr A Mitchell
Cr N Shaw

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

Have your say

You can speak under public comment to items on the agenda to the Mayor and Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this by emailing DemocraticServicesTeam@huttcity.govt.nz or calling the Democratic Services Team on 04 570 6666 | 0800 HUTT CITY

COUNCIL

Membership:	13
Meeting Cycle:	Council meets on an eight 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)
Quorum:	Half of the members

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 Local Government Act 2002 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 Local Government Act 1974, 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 for Council employees.

DECIDE ON:

Policy & Bylaw issues:

- Adoption of all policy required by legislation.
- Adoption of strategies, and policies with a city-wide or strategic focus.
- Approval of draft bylaws prior to consultation.
- Adoption of new or amended bylaws.

District Plan:

- Approval to call for submissions on any Proposed District Plan, Plan Changes and Variations.

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

- Prior to public notification, approval of recommendations of District Plan Hearings Subcommittees on any Proposed Plan, Plan Changes (including private Plan Changes) and Variations.
- The withdrawal of Plan Changes in accordance with clause 8D, Part 1, Schedule 1 of the Resource Management Act 1991.
- Approval, to make operative, District Plan and Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).
- Acceptance, adoption or rejection of private Plan Changes.

Representation, electoral and governance matters:

- The method of voting for the Triennial elections.
- Representation reviews.
- Council's Code of Conduct for elected members.
- 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.
- Appointment and discharge of members of committees when not appointed by the Mayor.
- Adoption of Terms of Reference for Council Committees, Subcommittees and Working Groups, and oversight of those delegations.
- Council's delegations to officers, community boards and community funding panels.

Delegations and employment of the Chief Executive:

- Appointment of the Chief Executive of Hutt City Council.
- 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.

Long Term and Annual Plans:

- The adoption of the budgetary parameters for the LTP and Annual Plans.
- Determination of rating levels and policies required as part of the LTP.
- Adoption of Consultation Documents, proposed and final LTPs and proposed and final Annual Plans.

Council Controlled Organisations:

- The establishment and disposal of any Council Controlled Organisation or Council Controlled Trading Organisation.
- Approval of annual Statements of Corporate Intent for Council Controlled Organisations and Council Controlled Trading Organisations.

Community Engagement and Advocacy:

- Receive reports from the Council's Advisory Groups.
- Monitor engagement with the city's communities.

Operational Matters:

- Civil Defence Emergency Management matters requiring Council's input.
- Road closing and road stopping matters.
- Approval of overseas travel for elected members.
- 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).
- Council's Electoral Officer, Principal Rural Fire Officer and any other appointments required by statute.
- The recipients of the annual Civic Honours awards.

HUTT CITY COUNCIL | TE KAUNIHERA O TE AWA KAIRANGI

Ordinary meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road,
Lower Hutt on
Wednesday 10 February 2021 commencing at the conclusion of the Long Term
Plan/Annual Plan Subcommittee meeting.

ORDER PAPER

PUBLIC BUSINESS

1. APOLOGIES

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

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

**4. RECOMMENDATIONS TO COUNCIL FROM THE LONG TERM
PLAN/ANNUAL PLAN SUBCOMMITTEE MEETING HELD ON 10
FEBRUARY 2021 (21/65)**

“That Council adopts the recommendations made on the following reports, and any amendments or additional items agreed at the Long Term Plan/Annual Plan Subcommittee meeting held on 10 February 2021:

- a) Proposed Infrastructure Strategy 2021-2051;
- b) Draft Long Term Plan 2021-2031;
- c) Naenae Project Cost Reassessment; and
- d) Parks Assets – Petone Recreation Grandstand and Point Howard and Petone Wharves.”

**5. PLAN CHANGE 43 - RESIDENTIAL AND SUBURBAN MIXED USE -
FINAL APPROVAL AND OPERATIVE DATE (21/57)**

Report No. HCC2021/1/2 by the Senior Environmental Policy Analyst

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MAYOR’S RECOMMENDATION:

“That the recommendations contained in the report 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.

7. CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA

Whakataka te hau ki te uru
 Whakataka te hau ki te tonga
 Kia mākinakina ki uta
 Kia mātaratara ki tai
 E hī ake ana te atakura
 He tio, he huka, he hau hū
 Tihei mauri ora.

*Cease the winds from the west
 Cease the winds from the south
 Let the breeze blow over the land
 Let the breeze blow over the ocean
 Let the red-tipped dawn come with a sharpened air.
 A touch of frost, a promise of a glorious day.*

Kate Glanville
SENIOR DEMOCRACY ADVISOR

19 January 2021

File: (21/57)

Report no: HCC2021/1/2

Plan Change 43 - Residential and Suburban Mixed Use - Final Approval and Operative Date

Purpose of Report

1. To obtain final approval of Council to make Plan Change 43 to the City of Lower Hutt District Plan (District Plan) fully operative.

Recommendations

That Council:

- (1) resolves, in accordance with clause 17 of the First Schedule of the Resource Management Act 1991, to approve Plan Change 43 to the City of Lower Hutt District Plan;
- (2) approves the affixing of the Common Seal to Plan Change 43 in accordance with Standing Order 8.2; and
- (3) notes that a public notice will be included in the Hutt News on 16 February 2021 advising the operative date of Plan Change 43, in accordance with clause 20 of the First Schedule of the Resource Management Act 1991.

For the reason that all provisions of the plan change are now beyond legal challenge and all rules are being treated as operative under section 86F of the Resource Management Act 1991.

Background

2. Plan Change 43 was publicly notified on 7 November 2017. Plan Change 43 reviews the General Residential Activity Area provisions and introduces two new activity areas, providing for medium density residential development and suburban mixed use in targeted areas. Plan Change 43 also makes several consequential changes to related chapters of the District Plan.

3. A hearing of submissions on the plan change was held between 2 and 17 September 2019.
4. On 6 November 2019 Council publicly notified its decisions on Plan Change 43.
5. The period for appealing the plan change expired on 18 December 2019 and three appeals were received. Each of these appeals was relatively narrow in focus, with a total of 13 rules and one policy appealed.
6. Plan Change 43 was made operative in part on 9 April 2020, with all provisions made operative except the 14 provisions that were still under appeal at the time.
7. All three appeals have now been resolved or withdrawn.

Discussion

8. Plan Change 43 was appealed by Woolworths New Zealand Ltd, Design Network Architecture, and KiwiRail Holdings Ltd.
9. The Woolworths New Zealand Ltd appeal was resolved by a consent order that was issued by the Environment Court on 5 June 2020. The consent order amended Policy 5E 3.2.
10. The Design Network Architecture Ltd appeal was resolved through a consent order that was issued by the Environment Court on 31 August 2020. This consent order amended the following rules:
 - Rule 4A 4.2.2 (site coverage)
 - Rule 4A 4.2.4 (recession plane)
 - Rule 4A 4.2.5 (yards)
 - Rule 4F 4.2.1 (site coverage)
 - Rule 4F 4.2.3 (recession plane)
 - Rule 4F 4.2.4 (yards)
 - Rule 5E 4.2.2 (recession planes)
 - Rule 5E 4.2.3 (yards)
11. The KiwiRail Holdings Ltd appeal was withdrawn on 21 December 2020. There were no changes to Plan Change 43 as a result of this appeal.
12. All provisions of the plan change are now beyond legal challenge and all rules are being treated as operative under section 86F of the Resource Management Act 1991. Therefore the decision to make Plan Change 43 operative would have little practical effect beyond formalising the operative status of the plan change.

Options

13. There are no further options. Making the resolution is the final formal procedural step in making a plan change fully operative.

Climate Change Impact and Considerations

14. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide. As this resolution is of a procedural nature, no specific climate change considerations arise.

Consultation

15. Public consultation has been undertaken through the plan change process as required by the Resource Management Act 1991. The community will be advised of this resolution and final step in the plan change process through a public notice in a local newspaper, as required under the Resource Management Act 1991.

Legal Considerations

16. Clauses 17 and 20 of the First Schedule of the Resource Management Act 1991, which set out the legal procedures, have been followed in making this plan change operative.

Financial Considerations

17. There are no financial considerations.

Appendices

There are no appendices for this report.

Author: Joseph Jeffries
Senior Environmental Policy Analyst

Reviewed By: Hamish Wesney
Head of District Plan Policy

Approved By: Helen Oram
Director Environment and Sustainability