

**REPORT of a MEETING of the POLICY COMMITTEE, held in the Council Chambers,
Level 2, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt, on
WEDNESDAY 30 NOVEMBER 2016 commencing at 4.30pm**

PRESENT: CR G T MCARTHUR (CHAIR) HIS WORSHIP THE MAYOR MR W N GUPPY, CRS C B G CARSON, R B T CONNELLY, J B GRIFFITHS, J C GWILLIAM, P E LAMBERT, A R MCLEOD, H SWALES, S P TAYLOR AND D V WHEELER

ATTENDING: CHIEF EXECUTIVE, DIRECTOR OF ASSET MANAGEMENT AND OPERATIONS, DIRECTOR OF BUSINESS DEVELOPMENT SERVICES, DIRECTOR OF CORPORATE SERVICES (until 6.04pm), DIRECTOR OF COMMUNITY SERVICES, DIRECTOR OF PLANNING AND REGULATORY SERVICES, CITY SOLICITOR, SENIOR POLICY ADVISOR, POLICY ADVISOR, DEPUTY PRINCIPAL RURAL FIRE OFFICER AND DEMOCRATIC SERVICES ADVISOR

A. PUBLIC BUSINESS

1. PUBLIC FORUM

Evan Pedersen re the Review of Keeping Animals, Poultry and Bees Bylaw 2005

Spoke of his bee keeping experience and also the keeping of animals.

Jessica Walker, NZ Companion Animal Council re the Review of Keeping Animals, Poultry and Bees Bylaw 2005

Ms Walker would like to see an additional clause added to the Bylaw that would make it compulsory for companion cats to be microchipped adding that cats are the most popular type of pet to own in New Zealand. She spoke of the reasons why microchipping is useful which included being able to return cats to their owners and how microchipping is a permanent form of identification that cannot be tampered with, unlike a collar. She noted that it is compulsory in many other countries and encouraged the Council to follow the lead of Wellington City Council who have introduced compulsory microchipping of companion cats.

Dan Waechter re the Review of Keeping Animals, Poultry and Bees Bylaw 2005 and the Review of Prevention of Vegetation Fires Bylaw 2005

Mr Waechter spoke of infill housing and smaller lot sizes and how it was important for Council to consider restrictions on the number and range of animals that people should be able to keep on properties. He discussed the many nuisances that are associated with the keeping of animals for those where neighbouring properties kept animals in urban areas. Mr Waechter also asked Council to ban backyard rubbish fires.

Ian Clark re the Review of Prevention of Vegetation Fires Bylaw 2005

Mr Clark spoke of the nuisances that came for neighbours when properties are using incinerators to burn waste. He also discussed the frequency and the financial costs of re-doing washing, using a drier and having to close windows in the warmer months to avoid smoke. He believed that people should be taking their waste to the landfill instead and also discussed infill housing and lot sizes that banning backyard fires would be the most appropriate action.

Councillor McArthur thanked the speakers for their comments and reminded everyone that the reports are part of the pre-consultation for consideration by Council and encouraged everyone to make a submission with their comments as part of the next process.

2. GENERAL BUSINESS

Councillor McLeod declared three items of General Business.

3. CONFLICT OF INTEREST DECLARATIONS AND UPDATES

Nil.

4. [REVIEW OF KEEPING OF ANIMALS, POULTRY AND BEES BYLAW 2005](#) (331/50-005)

Report from the City Solicitor dated 16 November 2016 (agenda pages A4-1 to A4-20).

Councillor Swales commented that while it is pre-consultation she said that the public would be guided by the recommendations in the report. Councillor Swales asked for the timeframe associated with the list of complaints noted on page A4-3 to assist with making a decision on the

recommendations. Councillor McArthur noted that it was over two years. Councillor Swales added that if Council is encouraging sustainability and food production and being independent then Council needed to be careful about restrictions.

Councillor McLeod noted some general observations with the type of language that is being used in the Bylaw. Councillor McLeod added that people are wanting to keep chickens to be able to produce their own free ranged eggs and also with poultry and bee keeping and livestock that expanding this in the Bylaw would be helpful. Councillor McLeod suggested that it was not helpful to mention bee waste being dropped along flight paths. Councillor McLeod thought it was important to have a discussion on community gardens and the keeping of bees which would be helpful with pollination. Councillor McLeod raised the number of poultry noting that 12 turkeys being kept on a property in an urban area was inappropriate.

The Mayor reminded elected members not to complicate the discussions drawing their attention to the bylaw relating to the keeping of animals, poultry and bees is for urban Upper Hutt. Councillor McArthur again reiterated that Council was not setting or agreeing to a bylaw at this point adding that public consultation for feedback was the next part in the process.

Councillor Gwilliam raised the definition of urban area which he understood Officers had linked to the District Plan definitions but wondered if using the word 'residential' would also include residential hills which could be an area where lot sizes are bigger and appropriate for poultry or other stock and asked if the definition urban was too extensive for this bylaw. Councillor Gwilliam also raised concern with infill housing and smaller lot sizes if the keeping of 12 chickens is too many and asked if it was better not to put a number in there and leave it to Officers who could then take action where poultry create a nuisance which would then be relative depending on the intensification of the particularly lot. The Director of Planning and Regulatory Services noted that the minimum lot size in a residential zone is 400m² and in a residential hill it is 750m².

The City Solicitor commented that the bylaw did require an amendment to the urban definition as it did include some smaller lot sizes up to 1,000m².

Councillor Carson raised two concerns that with the growing infill which Council is wanting to create more of in the Land Use Strategy, he asked if the keeping of any poultry on small sections and noted there was a large range in the definitions of poultry and questioned if the keeping of geese and turkeys were appropriate. Councillor Carson mentioned the lot sizes in Totara Park where some sections include lifestyle blocks which sit in the definition of urban area and this would cause a conflict but limit the keeping of poultry and this requires some more thoughts in the bylaw prior to public consultation.

The Chief Executive explained the process that Council needed to be prescriptive and issue a proposed bylaw for public consultation as the starting point to generate submissions and then it can be changed as part of that process.

Councillor Taylor asked how the bylaw could affect kindergartens if they have been zoned business or commercial. The Chief Executive commented that the best approach would be to bring the bylaw back to Full Council on 14 December as he would like to check how it relates to the District Plan to ensure it is not confusing.

RESOLVED TO RECOMMEND

- 1. THAT the Committee resolves to recommend to Council to amend the bylaw with the proposed changes.**
- 2. THAT a Bylaw is the most appropriate way of addressing the problems created by the Keeping of Animals in Urban Areas.**
- 3. THAT the existing Bylaw including the proposed amendments is the most appropriate form of the Bylaw.**
- 4. THAT the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 because the impingement of rights is justifiable.**
- 5. THAT this report is the Statement of Proposal for the purposes of the Special Consultative Procedure.**
- 6. THAT the Summary of Information attached as Appendix 3 be used for consultation.**

Moved

Cr Taylor / Cr Griffiths

CARRIED**5. REVIEW OF PREVENTION OF VEGETATION FIRES BYLAW 2005 (331/50-005)**

Report from the City Solicitor dated 16 November 2016 (agenda pages A5-1 to A5-22).

Councillor Swales enquired on page A5-4 relating to Hutt City Council issuing urban fire permits and how many they issued per year. The Policy Advisor understood that it was approximately 70 permits were over a 12 month period.

Councillor Connelly commented that she supported the proposed Bylaw given the impact that burning rubbish had on the environment along with impact on neighbours as heard in public forum. Councillor Connelly questioned the length of time to phase out incinerators commenting that 12 months is too long and people would not need that amount of time to make alternative arrangements and suggested the banning of incinerators should be in line with the other clauses.

The Mayor asked why Council would approve fires in urban Upper Hutt even through a permit system. The Deputy Principal Rural Fire Officer answered the question advising that at Hutt City Council the permits are issued for cultural cooking permit fires and not vegetation fires in most cases.

Councillor Wheeler also questioned the year difference for vegetation fires and incinerators. The City Solicitor commented regarding incinerators it was to allow time to make alternative arrangements which is a similar process to what Hutt City Council did and the six month requirement for vegetation fire permits would enable, should the Bylaw be adopted in July 2017, the introduction of applying for a permit in time for the summer in 2017/18.

Councillor Gwilliam asked if extending the bylaw to open space areas would impinge on the rural fire bylaw regulations and if it did, which bylaw would take precedent. The City Solicitor said she would have to report back. The Deputy Principal Rural Fire Officer advised the bylaw is based around the urban rural fire district and the line is very clear that you are either in urban or rural so if in a rural area you would require a permit as current practice states all year round, and then in urban this new bylaw could apply.

RESOLVED TO RECOMMEND**1. THAT the Committee resolves to recommend to Council:**

- a. To amend the Bylaw with the proposed changes, and that:**
 - i. a Bylaw is appropriate to address the problems associated with fires in the Urban Area of Upper Hutt**
 - ii. the proposed amendments will ensure the Bylaw is in the most appropriate form.**
 - iii. the Bylaw does not conflict with the New Zealand Bill of Rights Act 1990.**
- b. that this report is the Statement of Proposal for the purposes of the Special Consultative Procedure.**
- c. that the Summary of Information attached as Appendix 3 be used for consultation.**

Moved

Cr Taylor / Cr Griffiths

CARRIED**6. REVIEW OF TRAFFIC BYLAW 2005 (331/50-005)**

Report from the City Solicitor dated 22 November 2016 (agenda pages A6-1 to A6-35).

Councillor McLeod noted that the bylaw included skateboards and about their seizure and also included drift bikes but not scooters or other types of non-motorised equipment nor did it cover the seizure of drift bikes or scooters and asked if they needed to be included.

Councillor Connelly commented that she did not like singling out of skateboards as it singles out young people by doing so as it does not mention other forms of non-motorised transport devices

that people may use. She would prefer a principle based bylaw and asked the question what is Council trying to achieve with the bylaw instead of specifically describing one type of transportation.

Councillor McArthur suggested Council Officers review the wording to include non-motorised equipment.

Councillor Griffiths suggested the bylaw lends itself to be complaint based and could be broaden to include any mode of transport that is a nuisance on footpaths.

Councillor Wheeler raised concern on the policing of the bylaw adding that it is difficult to enforce. Councillor Wheeler also gave the example of car selling along Trentham Memorial Park and if some was selling their car but taking a child to sport would this be illegal if the vehicle had a sign and then how do you police this.

The Chief Executive commented he is aware of a number of occasions where Council had or Police had confiscated skateboards from the CBD but could go broader to include scooters depending on the range that Council wants to include in the bylaw. The Director of Planning and Regulatory Services added that Council did not have a dedicated resource to undertake the enforcement, including the previous bylaw for fire vegetation and incinerator nuisances in urban areas, and it comes at a cost that Council would need to quantify and consider.

The Chief Executive said the bylaw is not only covering the nuisance of the equipment being on footpaths but also the damage that they do to Council property by using them as props mentioning the seats and planter boxes as an example.

Councillor Swales also commented she had received feedback of the speed of mobility scooters on footpaths particularly in more populated areas and with an ageing population it had the potential to become a bigger issue.

Councillor Gwilliam added that once approved the bylaw would be valid for a period of 10 years, and that it was important to future proof and include some broader definitions.

Councillor McLeod made a suggestion regarding stock driving at night on page A6-27 clause 7.1 *that no person shall drive or permit to be driven any stock on any road at night except to return escaped stock to the place it escaped from.* She noted this was often not practical and asked for it to reference the closet available area until daytime. The Director of Asset Management and Operations commented this generally this occurred already.

RESOLVED TO RECOMMEND

1. THAT the Committee resolves to recommend to Council:

a. To amend the Bylaw with the proposed changes, and that:

- i. a Bylaw is appropriate to regulate parking and control vehicular traffic on all roads under the control of Upper Hutt City Council.**
- ii. the proposed amendments will ensure the Bylaw is in the most appropriate form.**
- iii. the Bylaw does not conflict with the New Zealand Bill of Rights Act 1990.**

b. that this report is the Statement of Proposal for the purposes of the Special Consultative Procedure.

c. that the Summary of Information attached as Appendix 3 be used for consultation.

Moved

Cr McArthur / Cr Lambert

CARRIED

7. [REVIEW OF COMMUNITY FACILITIES BYLAW 2005](#) [\(331/50-005\)](#)

Report from the City Solicitor dated 16 November 2016 (agenda pages A7-1 to A7-11).

Councillor Swales commented that she had sourced a copy of the Public Spaces Bylaw 2001 that would become redundant and covered with this amended bylaw and raised concern that she felt this was not correct and that she needed to review all the documentation first that the Community

Facilities Bylaw was meant to be replacing before being able to make an informed decision. The City Solicitor provided a reason for the overlap between the two bylaws as the definition of public place included all the community facilities therefore all rules that apply to a public place under the Public Spaces Bylaw apply to the Community Facilities Bylaw. The City Solicitor also added all the controls within the Community Facilities Bylaw can be dealt with either by rules that Council can make without a bylaw because Council owns the facility, or covered by existing legislation using an example of criminal law.

RESOLVED TO RECOMMEND

1. THAT the Committee resolves to recommend to Council:

- a. **that the Bylaw is no longer the most appropriate way of addressing the issues related to the management of community facilities.**
- b. **that the Bylaw is no longer in the most appropriate form.**
- c. **to revoke the Bylaw on or before 8 July 2017 and that the Bylaw is no longer required, and**
 - i. **this report is the Statement of Proposal for the purposes of the Special Consultative Procedure.**
 - ii. **the Summary of Information attached as Appendix 2 be used for consultation.**

Moved

Cr Griffiths / Cr Taylor

CARRIED

8. REVIEW OF SOLID WASTE BYLAW 2005 (331/50-005)

Report from the City Solicitor dated 16 November 2016 (agenda pages A8-1 to A8-11).

Councillor Connelly commented the fact the bylaw had not been used is because the bylaw sets out clear rules for waste operators and to remove the bylaw would be a backwards step. She also added that there are likely to be rogue waste operators and to remove the bylaw that regulates them would be foolish. While the bylaw does not meet what Council needs it to meet she felt it would be better to place it on hold until the Waste Strategy is more understood and reintroduce the Waste Bylaw at that point too.

Councillor McLeod noted a correction on page A8-5 *Council is already working under the Waste Minimisation Act 2008 towards adopting a Waste Management and Minimisation Plan (WMMP) for the Wellington region* as there is already one place and it is under review with the joint committee.

The Director of Business Development Services advised the consideration of a Waste Minimisation Plan is to address a number of issues which includes the option for a single bylaw across the region.

A discussion took place on the licencing of waste operators and that there are options provided within the Waste Minimisation Act which is felt a better avenue than within a bylaw.

RESOLVED TO RECOMMEND

1. THAT the Committee resolves to recommend to Council:

- a. **that the Bylaw is no longer the most appropriate way of addressing the issues related to the management of solid waste.**
- b. **that the Bylaw is no longer in the most appropriate form.**
- c. **to revoke the Bylaw on or before 8 July 2017 and that the Bylaw is no longer required, and**
 - i. **this report is the Statement of Proposal for the purposes of the Special Consultative Procedure.**
 - ii. **the Summary of Information attached as Appendix 2 be used for consultation.**

Moved

Cr Gwilliam / Cr Lambert

CARRIED

9. **PROPOSED STOPPING OF PAPER ROAD – SECTION OF BULLS RUN ROAD** **(325/12-017)**

Report from the City Solicitor dated 22 November 2016 (agenda pages A9-1 to A9-5).

Councillor Swales queried if all the affected properties still had the necessary right of ways. The City Solicitor confirmed all the lots had appropriate right of way easements noting that because it is an unformed road it is not able to be used as access but the properties are protected if necessary.

Councillor Wheeler asked if the proceeds from any sale would go towards the Maidstone Park development. Councillor McArthur commented that it is unsure if Council will receive anything. At this stage the recommendations are to stop a paper road and whether there is any financial gain is yet to be determined.

Councillor Taylor queried if there is a building on the paper road. The City Solicitor advised that there was.

RESOLVED TO RECOMMEND

1. THAT:

- a. **the part of the unformed road known as Bulls Run Road is declared no longer required for a public work.**
- b. **that the Council will start the procedure under the Local Government Act 1974 to stop that part of Bulls Run Road identified in this report once:**
 - i. **Riverstone Developments Upper Hutt Limited has contracted with the Council to pay all costs associated with stopping that part of Bulls Run Road, and.**
 - ii. **the Council has a binding sale and purchase agreement to sell the part of Bulls Run Road when it is stopped on terms favourable to the Council,**
- c. **the Chief Executive is authorised to negotiate the sale of the part of Bulls Run Road to be stopped in this report to an owner or owners of adjoining land on the conditions; that the Council succeeds to stop the road; that the stopped road is amalgamated to the purchaser's land and on all other terms and conditions that the Chief Executive considers to be favourable to the Council.**

Moved

Cr McArthur / Cr Carson

CARRIED

10. **PROPOSED STOPPING OF PAPER ROAD – NO 1 LINE SILVERSTREAM** **(325/12-001)**

Report from the Parks and Reserves Manager dated 20 October 2016 (agenda pages A10-1 to A10-6).

RESOLVED TO RECOMMEND

1. **THAT the report be received.**
2. **THAT the Chief Executive be authorised to negotiate the sale of parts of the paper road known as the No 1 line in Silverstream that is described in this report conditional upon that the entire section of the road is stopped as a road.**
3. **THAT Council proceed to stop the road, following the procedure in the Local Government Act 1974, and when it is stopped, the Chief Executive sell part of the road to the owner of 9 Blue Mountains Road, Gareth Seeds, and further section to Joe Roberts of 101, 103 and 105 Blue Mountains Road. The remaining section of stopped road to be held by Council in fee simple.**

Moved

His Worship the Mayor / Cr Swales

CARRIED

11. **APPOINTMENT TO THE CREATIVE COMMUNITIES NEW ZEALAND UPPER HUTT ARTS FUNDING ASSESSMENT COMMITTEE** **(306/02-001)**

Report from His Worship the Mayor dated 22 November 2016 (agenda page A11-1).

RESOLVED TO RECOMMEND

1. **THAT the report be received.**
2. **THAT Councillors Connelly and Taylor be appointed as members of the Creative Communities New Zealand Upper Hutt Arts Funding Assessment Committee.**

Moved

Cr Lambert / Cr Gwilliam

CARRIED

12. DIRECTOR'S REPORT – PLANNING AND REGULATORY SERVICES DEPARTMENT (301/25-010)

Report from the Director of Planning and Regulatory Services dated 21 November 2016 (agenda pages A12-1 to A12-10).

Councillor Connelly passed on her congratulations to the staff who recently received an award at the Wellington Regional Planning Awards for their involvement in the Pinehaven Stream floodplain map work. The Director advised it was a combined application with the consultants and Greater Wellington staff who were also involved.

Councillor Gwilliam asked a question regarding the Land Use Strategy and a possible plan change for the Guildford area and asked if there had been any discussion whether it would be a Council led or private plan change. The Director advised he anticipated it to be a Council led plan change and would be having ongoing discussions with the landowner on how to move that forward.

Councillor Swales enquired on page A12-2 regarding the proposed National Policy Statement on Urban Development Capacity and staff recently attending a symposium and asked for an update on the outcome. The Director said the symposium was an opportunity for the Ministry to advise how they are going to guide the implementation which has been recently gazetted with quite an aggressive timeframe with immediate effect. He advised that Council needs to start to monitor market indicators on a quarterly basis from the gazetted date. The Ministry advised they would be providing further clarification and guidance and working with councils as implementation begins.

RESOLVED TO RECOMMEND

THAT the report be received.

Moved

Cr Swales / Cr Taylor

CARRIED

13. DIRECTOR'S REPORT – BUSINESS DEVELOPMENT SERVICES DEPARTMENT (301/25-012)

Report from the Director of Business Development Services dated 18 November 2016 (agenda pages A13-1 to A13-2).

Councillor Swales noted on page A13-1 regarding Shop Trading Hours Amendment Act 2016 that it advises there is not enough time to adequately undertake consultation and consider before Easter 2017 and asked if Council was then leaving it up to businesses to decide. The Director advised the default is the situation as it stands. Councillor Swales asked for information to be made available on Council's website about this. The Director said Council Officers had been working with businesses.

RESOLVED TO RECOMMEND

THAT the report be received.

Moved

Cr Gwilliam / Cr Carson

CARRIED

14. CHIEF EXECUTIVE'S REPORT (301/25-009)

Report from the Chief Executive dated 22 November 2016 (agenda pages A14-1 to A14-3).

RESOLVED TO RECOMMEND

THAT the report be received.

Moved

Cr McArthur / Cr Taylor

CARRIED**15. GENERAL BUSINESS**

- Councillor McLeod asked if it was possible to change the LED coloured lights in the CBD to orange to show support as part of White Ribbon's 16 days of activism. The Director of Asset Management and Operations advised it was not possible as they are set-up for Christmas and will be red, green and white.
- Councillor McLeod commented that with Council's Economic Stimulus Package which she understood will be reviewed at some point, could Council also include an Economic Development Strategy overall and also asked for an indication of when that could take place. She added it could include enabling local food productions and carrying on support family owned businesses adding it was important to carry on into the future of what economic development encompasses in the whole of the city. The Chief Executive said one project that will need to be considered as part of the Annual Plan is the continuation of the Economic Stimulus Package as there is currently no funding in the next budget.
- Councillor McLeod tabled a document on having youth representation within the Upper Hutt City Council. It also included two pieces from the Palmerston North City Council for the Community Services department to include in the work they are doing with youth and how Council could involve youth. Councillor McLeod asked for an update to be provided in February's Policy meeting on youth policies. The Chief Executive said that the Director of Community Services also provided updates as part of his City Services report. The Director then provided a verbal update on some of the work that is currently being undertaken.

16. PUBLIC EXCLUSION**RESOLVED TO RECOMMEND**

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

B.1 NAMING OF NEW STREET FOR A SUBDIVISION**B.2 NAMING OF NEW STREET FOR A SUBDIVISION****B.3 CHIEF EXECUTIVE'S REPORT****B.4 GENERAL BUSINESS**

THAT 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) GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	(B) REASONS FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	(C) GROUND FOR THE PASSING OF THIS RESOLUTION
Naming of New Street for a Subdivision	The withholding of information is necessary to maintain effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure of harassment.	Section 7(2)(f)(ii)
Chief Executive's Report	The withholding of information is necessary to protect the privacy of natural persons and to maintain legal professional privilege and to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(a) Section 7(2)(g) Section 7(2)(i)

General Business **The withholding of information is necessary to protect information subject to an obligation of confidence.** **Section 7(2)(c)**

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 Section 7 of the 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.

Moved

Cr Swales / Cr Taylor

CARRIED

The Public Business Section of the meeting concluded at 6.15pm.

The Public Excluded Section of the meeting concluded at 6.32pm.

Cr G T McArthur
CHAIR