
MINUTES

TUESDAY 9 MAY 2006

9.15 AM

**Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington**

PRESENT:

Councillor Gill (Chair)
Councillor Armstrong
Councillor Cook
Councillor Foster
Councillor Goulden
Councillor Morrison
Councillor Pepperell
Councillor Wade-Brown

APOLOGIES:

Mayor Prendergast

013/06RP **ADJOURNMENT OF MEETING**
(1215/53/IM)

NOTED:

The meeting convened at 9.20am with Councillors Gill, Armstrong, Cook, Foster, Pepperell and Wade-Brown in attendance.

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Adjourns at 9.21am until the conclusion of the Strategy and Policy Committee pre meeting session.*

The meeting adjourned at 9.21am.

The meeting reconvened at 12.02pm.

(Councillors Armstrong, Cook, Foster, Gill, Morrison, Pepperell and Wade-Brown were present when the meeting reconvened.)

014/06RP **APOLOGIES**
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Accept apologies for absence from Mayor Prendergast.*

015/06RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

There were no conflicts of interest declared.

016/06RP **MINUTES FOR CONFIRMATION**
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Approve the minutes of the ordinary meeting held on Thursday 16 March 2006, having been circulated, be taken as read and confirmed as an accurate record of the meeting.*

017/06RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

There was no public participation.

018/06RP DOG EXERCISE AREA RELOCATION FROM COG PARK TO KAINUI RESERVE

Report of Alison Box – Manager Public Health.
(1215/53/IM)

(REPORT 1)

RESOLVED AND RECOMMENDED TO COUNCIL:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend that Council resolves that the area known as Cog Park dog exercise area shown on the attached map marked appendix 1 of the officers report, be declared a controlled public place. Further, that the area of Kainui Reserve west of Patent Slip no.2 as shown on the attached map marked appendix 2, be declared a dog exercise area, for the purposes of the Wellington Consolidated Bylaw Part 3 (Animals). This shall have effect 14 days from the date when passed by Council resolution.*

019/06RP RECORD OF HEARING PANEL APPOINTMENTS

Report of Richard Harbord, Resource Consent Manager, Strategy and Planning.
(1215/53/IM)

(REPORT 2)

(Councillor Goulden joined the meeting at 12.08pm.)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Note the appointment of elected members to hearing panels over the reported period as amended (attached to these minutes as appendix 1).*

020/06RP RESOLUTION TO EXCLUDE THE PUBLIC

(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, resolve that the public be excluded from the following part of the proceedings of this meeting namely:

Report 3 Proposed District Plan Change 33 – Mediation of Appeal from Vector Limited

Grounds: *Section 48(1)(a) that public conduct of the whole or 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 would exist under Section 7.*

Reason: *Section 7(2)(g) maintain legal professional privilege.*
 Section 7(2)(i) to enable the Council to carry out negotiations without prejudice or disadvantage

Report 4 Proposed District Plan Change 33 – Mediation of Appeal from West Tawa Development Partnership Ltd

Grounds: *Section 48(1)(a) that public conduct of the whole or 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 would exist under Section 7.*

Reason: *Section 7(2)(g) maintain legal professional privilege.*
 Section 7(2)(i) to enable the Council to carry out negotiations without prejudice or disadvantage

Report 5 List of Independent Hearing Commissioners

Grounds: *Section 48(1)(a) that public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7*

Reasons: *Section 7(2)(a) to protect the privacy of natural persons*

The meeting went into public excluded session at 12.19pm.

(Councillor Goulden left the meeting at 12.19pm.)

For items 021/06RP - 023/06RP, please see the public excluded minutes.

The meeting concluded at 12.45pm.

Confirmed: _____
Chair
/ /

Hearing	Date	Appointments	Notes
Hanson Street (aka 33 Drummond Street), Newtown (Limited Notification)	16 December 2004	Councillor Foster(Chair) Councillor Armstrong Councillor Gill	
1 Hay Street, Oriental Bay (Limited Notification)	25 January 2005	Councillor Foster (Chair) Councillor Morrison	Councillor Gill was originally appointed to the panel. After considering the papers she realised she had a conflict of interest and withdrew. Councillor Morrison was appointed in her place.
8 Cambridge Tce (Fully Notified)	Originally – 2-3 February 2005	Councillor Armstrong (Chair) Councillor Gill Councillor Pepperell	Hearing not held – process delayed indefinitely at request of applicant on 26 th January 2005
205 Ohiro Road, Brooklyn (Limited Notification)	21 February 2005	Councillor Foster(Chair) Councillor Morrison Councillor Goulden	Councillor Gill initially appointed to hearing – dates then conflicted and Councillor Goulden appointed.
Majoribanks St (Limited Notification)	18 February 2005	Independent Commissioners	Independent commissioners appointed as no councillors available
116 Rakau Road, Hataitai (Objection to a Decision)	16 March 2005	Councillor Armstrong Councillor Morrison Councillor Wade-Brown	Objection – Commissioners not paid.
46 Ashton Fitchett Drive, Brooklyn (Non Notification)	April 2005	Councillor Gill Councillor Goulden	
18 Burn Street, Karori (Limited Notification)	6 April 2005	Councillor Gill (Chair) Councillor Pepperell Councillor Goulden	Originally Councillor Armstrong was appointed. The hearing date was changed and Councillor Armstrong was no longer available.
127 – 129 Rongotai Road (Fully Notified)	April 2005	Councillor Armstrong (Chair) Councillor Morrison, Councillor Wade-Brown	

Hearing	Date	Appointments	Notes
Kumototo Site 7 (Fully Notified)	June 2005	Independent Commissioners	Independent commissioners appointed as Council owned land
90 Downing Street - Subdivision Consent (Fully Notified)	1 April 2005	Independent Commissioners	<p>Joint hearing with Regional Council. Hearing originally set down for May. There was a need to have experienced commissioners – Onslow/Western ward Councillors excluded – Councillor Armstrong not available – Independent Commissioner Sue Piper and Councillor Gill appointed.</p> <p>Independent commissioners were eventually appointed because Councillors were unavailable.</p> <p>Councillor Goulden was unable to do hearings until further notice.</p>
127 – 129 Rongotai Road - Fully Notified	July 2005	Councillor Armstrong (Chair) Councillor Morrison Councillor Wade Brown	Reconvened hearing from April
7 Dixon Street (Objection Decision)	August 2005	Councillor Armstrong Councillor Pepperell	Objection hearing – commissioners not paid
West Taranaki – 29 Jervois Quay – Wellington Waterfront (Fully Notified)	August 2005	Independent Commissioners	Council ownership. Commissioners appointed.
10 Alpha Street (Fully Notified)	5 September 2005	Sue Piper (Chair) Councillor Gill Councillor Wain	Portfolio Chairs unavailable. Councillors Pepperell and Goulden unavailable. Chair had to be familiar with similar applications and experienced. Independent Commissioner therefore appointed as chair.

205 Ohiro Road, Brooklyn (Limited Notification)	9 September 2005	Councillor Foster (Chair) Councillor Morrison Councillor Gill	Further hearing on same consent as heard in February. Decision made to reconvene same commissioners as first hearing. Councillor Goulden unavailable – Councillor Gill appointed in his place.
Westwind Windfarm (Fully Notified)	October – November 2005	Councillor Armstrong (Chair) Councillor Shaw 2 Independent Commissioners (appointed by the Regional Council)	Joint hearing with Regional Council. Councillor Gill was originally appointed. As it was a city-wide issue Councillors were to be appointed from across the city with the exception of the Western Ward. Councillor Gill withdrew for health reasons.
37 Donald Street (Limited Notification)	7 October 2005	Councillor Gill (Chair) Councillor Morrison Councillor Ritchie	
65 Pretoria Road (Limited Notification)	21 October 2005	Councillor Foster (Chair) Councillor Pepperell Councillor Gill	
Rata Road (Limited Notification)	November 2005	Councillor Foster (Chair) Councillor McKinnon Councillor Ruben	
Evans Bay Yacht Club (Limited Notification)	18 November 2005	Independent Commissioners	Commissioners used as Council land was involved.
Buckingham Road (Limited Notification)	16 December 2005	Councillor Gill (Chair) Councillor McKinnon Councillor Wain	Councillors Foster and Armstrong approached but unavailable
25 Maida Vale Road (Limited Notification)	19 December 2005	Councillor Morrison (Chair) Councillor Gill	Councillors Foster and Armstrong approached but unavailable. Councillor Ritchie unable to do Hearings while on extended leave.

27 Maupuia Street (Limited Notification)	17 January 2006	Independent Commissioner	Independent Commissioner appointed as Airport involved.
11 Waru Street (Limited Notification)	27 January 2006	Councillor Armstrong (Chair) Councillor McKinnon Councillor Pepperell	Councillor Wade-Brown approached but not available. Hearing Cancelled
272 Ohariu Valley Road (Fully Notified)	13 th February 2006	Councillor Gill (Chair) Councillor Wain Councillor Morrison	Same committee that had been set up in 2005. Councillor McKinnon approached but not available.
42 Sefton Street (Limited Notification)	February 2006	Councillor Gill (Chair) Councillor McKinnon Councillor Pepperell	Councillors Armstrong and Foster approached to chair but not available. Councillor Ahipene-Mercer not available. Hearing Cancelled
85 Brougham Street (Limited notification)	February 2006	Councillor Armstrong (Chair) Councillor Morrison Councillor Wade- Brown	Hearing cancelled
Marine Education Centre (Fully Notified)	20 February 2006	Independent Commissioners	Joint hearing with Regional Council. Two independent commissioners appointed as Council supported project.
Karori Sanctuary (Fully Notified)	4, 5, 6 March 2006	Independent Commissioners	Independent Commissioners appointed as Council supported the project.
Cambridge Tce (Fully Notified)	29, 31 March 2006	Councillor Armstrong (Chair) Councillor Pepperell Councillor Gill	Same committee as originally appointed
Homebush Road (Limited Notification)	19 April	Councillor Foster (Chair) Councillor Pepperell Councillor Ahipene- Mercer	Moved to 1 st May

5.2 Plan Change Hearings

The following table sets out the appointment of hearing commissioners for plan change hearings set down for the period December 2004 until April 2006. Note: Councillors are not paid for sitting on plan change hearing panels.

Hearing	Date	Appointments	Notes
Plan Changes 32 and 33 (Renewable Energy, Ridgelines, Rural)	Commenced January 2005	Councillor McKinnon Councillor Wade-Brown 2 Independent Commissioners	Councillor Shaw initially appointed but unavailable following appointment The choice of commissioners was made on the rationale of availability, actual conflict of interest and avoiding any perceived conflict of interest, especially in the major rural areas. (Onslow/Western and Northern Ward Councillors not considered for appointment). Two independent commissioners were appointed (Euan McQueen and Julia Williams) for their specific skills and knowledge relevant to the plan changes.
Plan Change 30 (Rezoning Ohiro Properties land)	Commenced March 2005	Independent Commissioners	Independent Commissioners (Euan McQueen and Julia Williams) appointed to hear Plan Change 30. This appointment was to ensure continuity with dealing with Plan Changes 32/33. Councillors were considered for appointment but, given the time constraints and with Annual Plan and other resource consent meetings happening, no Councillors were available.
Plan Change 34 (Minor Changes)	Commenced September 2005	Councillor Foster Councillor Shaw	

Plan Change 35 (Hazardous Substances)	September 2005	Councillor Gill Councillor Morrison Councillor Armstrong	No hearing was required, only deliberations.
Plan Change 36 (Northern Growth Policy)	October 2005	Councillor Foster Councillor Wade- Brown	
Plan Change 37 (Chest Hospital Rezoning)	August 2005	Independent Commissioner	Independent commissioner appointed as the Council owns the land

5.3 Appointment Statistics

Individual Councillors have sat on the following number of hearings. Where an appointment was made but the hearing was not held this has not been counted.

Councillor	Resource Consent Hearing	Plan Change Hearing	Total Appointments
Ahipene-Mercer	1		1
Armstrong	6	1	7
Foster	7	2	9
Gill	11	1	12
Goulden	3		3
McKinnon	2	1	3
Morrison	8	1	9
Pepperell	5		5
Ritchie	1		1
Ruben	1		1
Shaw	1	1	2
Wade Brown	2	2	4
Wain	3		3
TOTAL	51	9	60