

MINUTES

WEDNESDAY 31 MAY 2006

5.30PM

**COUNCIL CHAMBER
FIRST FLOOR, TOWN HALL
WAKEFIELD STREET
WELLINGTON**

PRESENT:

Councillor Ahipene-Mercer
Councillor Armstrong
Councillor Cook
Councillor Foster
Councillor Gill
Councillor Goulden
Councillor McKinnon
Councillor Morrison
Councillor Ruben
Councillor Shaw
Councillor Wade-Brown
Councillor Wain

APOLOGIES:

Mayor Prendergast
Councillor Pepperell
Councillor Ritchie (Leave of Absence)

077/06C **APOLOGIES**
(1215/11/IM)

Moved Councillor Shaw seconded Councillor Armstrong, the motion that Council accept apologies for absence from Mayor Prendergast, Councillor Pepperell and note Councillor Ritchie's leave of absence.

The motion was put and declared CARRIED on voices.

RESOLVED:

THAT Council

1. *Accept apologies for absence from Mayor Prendergast and Councillor Pepperell.*
2. *Note Councillor Ritchie's leave of absence.*

078/06C **CONFIRMATION OF MINUTES**
(1215/11/IM)

Moved Councillor Armstrong, seconded Councillor Wain the motion that Council approve the minutes of the Ordinary meeting of Thursday 7 April 2005, Extraordinary meeting of Thursday 21 April 2005, Ordinary meeting of Thursday 27 April 2005, Ordinary meeting of Tuesday 28 June 2005, Ordinary meeting of Thursday 6 April 2006 and Ordinary meeting of Wednesday 26 April 2006 having been circulated, be taken as a read and confirmed as an accurate record of those meetings.

The motion was put and declared CARRIED on voices.

RESOLVED:

THAT Council

1. *Approve the minutes of the Ordinary meeting of Thursday 7 April 2005, Extraordinary meeting of Thursday 21 April 2005, Ordinary meeting of Thursday 27 April 2005, Ordinary meeting of Tuesday 28 June 2005, Ordinary meeting of Thursday 6 April 2006 and Ordinary meeting of Wednesday 26 April 2006 having been circulated, be taken as a read and confirmed as an accurate record of those meetings.*

079/06C **PUBLIC PARTICIPATION**
(1215/11/IM)

NOTED:

1. Judy Hutt and Victor Anderlini representing the Marine Conservation Trust to address the meeting in relation to Report 2 “Strategy and Policy Committee” Meeting of Thursday 11 May 2006 - Marine Education Centre – Part 1.

080/06C **ANNOUNCEMENTS BY THE DEPUTY MAYOR**
(1215/11/IM)

NOTED:

There were no announcements from the Mayor.

081/06C **PETITIONS**
(1215/11/IM)

NOTED:

There were no petitions to be presented.

082/06C **CONFLICT OF INTEREST DECLARATIONS**
(1215/11/IM)

NOTED:

Councillor Goulden advised that he had a conflict of interest in relation to Report 3 “Report of the Strategy and Policy Committee, meeting of Wednesday 24 May 2006, Item 2 : Southern Landfill – Review of Landfill Charges. He advised that he would not take part in discussion or voting on the matter.

Reports from Committees – Part A

Committee Decisions requiring Council approval

083/06C **REGULATORY PROCESSES COMMITTEE**
Meeting of Tuesday 9 May 2006
(1215/11/IM)

(REPORT 1)

1. **ITEM 018/06RP DOG EXERCISE AREA RELOCATION FROM
COG PARK TO KAINUI RESERVE**
(1215/53/IM) (REPORT 1)

**Moved Councillor Gill, seconded Councillor Morrison, the
substantive motion.**

The substantive motion was put:

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook,
Foster, Gill, Goulden, McKinnon, Morrison, Ruben,
Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

- 1. Resolve that the area known as Cog Park dog exercise area shown on the attached map marked appendix 1 (of these minutes), 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 (of these minutes), 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.*

084/06C **STRATEGY AND POLICY COMMITTEE**
Meeting of Thursday 9 May 2006
(1215/11/IM) (REPORT 2)

1. **ITEM 099/06P MARINE EDUCATION CENTRE – PART 1**
(1215/52/IM) (REPORT 7)

**Moved Councillor Wade-Brown, seconded Councillor Cook, the
substantive motion.**

**Moved Councillor Armstrong, seconded Councillor Ahipene-Mercer,
the procedural motion that the motion be put.**

The procedural motion was put:

Voting for: Councillors Ahipene-Mercer, Armstrong, Foster, Gill, McKinnon, Morrison, Shaw and Wain.

Voting against: Councillors Cook, Goulden, Ruben and Wade-Brown.

Majority Vote: 8:4

The procedural motion was declared LOST as there was not a $\frac{3}{4}$ majority.

The substantive motion was put:

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Shaw, Wade-Brown and Wain.

Voting against: Councillor Ruben.

Majority Vote: 11:1

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Agree to provide a guarantee to the Wellington Marine Conservation Trust, to the amount of \$200,000 to be used for the resource consent process (including any Environment Court appeal).*
2. *Delegate to the Chief Executive the authority to complete the guarantee with such terms and conditions as deemed appropriate.*

2. **ITEM 100/06P EARTHQUAKE –PRONE BUILDINGS POLICY –
REPORT BACK ON CONSULTATION
(1215/52/IM) (REPORT 2)**

Moved Councillor Foster, seconded Councillor Armstrong, the substantive motion.

The substantive motion was put:

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Ruben, Shaw, Wade-Brown and Wain.

Voting against: Councillor Morrison.

Majority Vote: 11:1

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Adopt the Earthquake-Prone Buildings Policy attached as Appendix 3 (to these minutes), subject to any amendments, pursuant to the Local Government Act 2002 and Building Act 2004.*

3. **ITEM 101/06P DANGEROUS AND INSANITARY BUILDINGS POLICY – REPORT BACK ON CONSULTATION (1215/52/IM) (REPORT 3)**

Moved Councillor Foster, seconded Councillor Armstrong, the substantive motion.

The substantive motion was put:

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Ruben, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Adopt the Dangerous and Insanitary Buildings Policy attached as Appendix 4 (of these minutes), subject to any amendments, pursuant to the Local Government Act 2002 and Building Act 2004.*

085/06C **STRATEGY AND POLICY COMMITTEE**
Meeting of Wednesday 24 May 2006
 (1215/11/IM) (REPORT 3)

1. **ITEM 109/06P FEES AND CHARGES: BUILDING CONSENTS AND LICENSING SERVICES**
 (1215/52/IM) (REPORT 2)

Moved Councillor Armstrong, seconded Councillor Ruben, the substantive motion with an amendment to the fees and charges.

The substantive motion was put.

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Ruben, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Agree to recommend that the Council agree to the fees and charges as outlined in Appendix 5 (of these minutes) and that these apply from 1 July 2006.*

(Councillor Goulden did not take part in debate or vote in the next item.)

2. **ITEM 110/06P SOUTHERN LANDFILL – REVIEW OF LANDFILL CHARGES**
 (1215/52/IM) (REPORT 3)

Moved Councillor Armstrong, seconded Councillor Wain the substantive motion.

The substantive motion was put.

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Gill, McKinnon, Morrison, Ruben, Shaw, Wade-Brown and Wain.

Voting against: Councillor Foster.

Majority Vote: 10:1

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Agree to recommend that the Council approves the proposed fees and charges set out in Appendix 6 (of these minutes) effective 1 July 2006.*

(Councillor Goulden returned to debate.)

3. **ITEM 113/06P PROPOSED CHANGES TO THE LIQUOR CONTROL BYLAW – CONSULTATION PROCESS**
(1215/52/IM) (REPORT 6)

Moved Councillor Cook, seconded Councillor Armstrong, the substantive motion.

Moved Councillor Foster, seconded Councillor Ahipene-Mercer, the following amendment.

“That Part 23 of the bylaw be amended so that the liquor ban apply from 5pm Thursday to 8am Friday, 5pm Friday to 8am Saturday and 5pm Saturday to 8am Sunday.

Agree to amend the draft liquor control bylaw (attached as appendix three to this report) so the change 23.2.1 provides for the prohibition to apply from 5pm Thursday to 8am Friday, 5pm Friday to 8am Saturday and 5pm Saturday to 8am Sunday.”

(The meeting adjourned at 6.32pm to seek clarification on the amendment and reconvened at 6.34pm.)

The amendment was put.

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Foster, Goulden, Shaw and Wade-Brown.

Voting against: Councillors Gill, McKinnon, Morrison, Ruben and Wain.

Majority Vote: 7:5

The amendment was declared CARRIED.

The substantive motion as amended was put.

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Ruben, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion as amended was declared CARRIED.

RESOLVED:

THAT Council:

1. *Note that the Strategy and Policy Committee considered the draft bylaw and submissions, attached as Appendices 1 and 3 (of the Officers report) respectively, at the 24 May 2006 meeting.*
 - (a) *Resolve to adopt the Liquor Control Bylaw as amended attached as Appendix 7 (of these minutes), pursuant to sections 83, 86, 147 and 156 of the Local Government Act 2002.*
 - (b) *Resolve that the commencement date for the bylaw is 8pm 29 June 2006 allowing for at least fourteen days public notice, following the 31 May 2006 Council meeting.*
 - (c) *Resolve that the bylaw as amended (attached as Appendix 7 of these minutes) is part of the Wellington Consolidated Bylaw 1991.*
 - (d) *Resolve to amend the Wellington Consolidated Bylaw 1991 by revoking Part 23 (Liquor Control) and replacing it with Part 23 (Liquor Control) attached as Appendix 7 (of these minutes), to come into effect at 8pm, 29 June 2006.*

4. **ITEM 114/06P REVIEW OF COMMUNITY BOARD DELEGATIONS**
(1215/52/IM) (REPORT 7)

Moved Councillor Shaw, seconded Councillor Armstrong the substantive motion.

The substantive motion was put.

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Ruben, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

- 1. Agree to the revised terms of reference for the Tawa Community Board and the Makara/Ohariu Community Board (as set out in Appendix 8 of these minutes).*

5. **ITEM 115/06P LOCAL GOVERNMENT NEW ZEALAND 'LEADING COMMUNITIES' CONFERENCE, WELLINGTON, 16-19 JULY 2006**
(1215/52/IM) (REPORT 8)

Moved Councillor Foster, seconded Councillor Wade-Brown the substantive motion.

Councillor Shaw as an attendee at the conference was nominated as the alternate presiding delegate.

The substantive motion was put.

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Ruben, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. Appoint:

- (a) Mayor Prendergast as its presiding delegate, with authority to exercise Wellington City Council's votes;*
- (b) Councillor Shaw an alternate presiding delegate (in the event that the Mayor is absent from the floor of the meeting at any time); and*
- (c) two other delegates, who shall be Councillors*
- (d) to attend the Local Government New Zealand AGM to be held on Wednesday 19 July 2006.*

Reports from Committee - Part B

Committee decisions for Council to note

086/06C **RECEIPT OF INFORMATION FOR NOTING FROM COMMITTEES**
(1215/11/IM)

Moved Councillor Shaw seconded Councillor Wade-Brown the substantive motion, that Council receive the information for noting from the Regulatory Processes Committee meeting of Tuesday 9 May 2006 and Strategy and Policy Committee ordinary meetings of Thursday 11 May 2006 and Wednesday 24 May 2006.

The substantive motion was put.

Voting for: Councillors Ahipene-Mercer, Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Ruben, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information for noting from the Regulatory Processes Committee meeting of Tuesday 9 May 2006 and Strategy and Policy Committee ordinary meetings of Thursday 11 May 2006 and Wednesday 24 May 2006.*

REGULATORY PROCESSES COMMITTEE

Meeting of Tuesday 9 May 2006

(1215/11/IM)

(REPORT 4)

1. **ITEM 019/06RP RECORD OF HEARING PANEL APPOINTMENTS**
(1215/53/IM) (REPORT 2)

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 the officers report as appendix 1).*

STRATEGY AND POLICY COMMITTEE

Meeting of Thursday 11 May 2006

(1215/11/IM)

(REPORT 5)

1. **ITEM 102/06P HOUSING INNOVATION FUND DEMONSTRATION PROJECT**
(1215/52/IM) (REPORT 4)

THAT the Strategy and Policy Committee:

1. *Receive the information*

2. *Agree that officers make an application to the Housing New Zealand Corporation's Housing Innovation Fund for around 50% of the project costs for the redevelopment of infill development at Strathmore Avenue*
3. *Note that it is a condition of Housing New Zealand Corporation's funding that the housing be retained for social housing for at least 20 years or Council would be required to repay the loan with interest.*
4. *Agree that the detailed designs for the redevelopment of infill development at Strathmore Avenue proceed*
5. *Agree that the funds from CX_CF364 – Housing Reconfiguration be used to meet Council's share of the costs for this project and that the 2006/7 Long Term Council Community Plan be amended to reflect the grant application for a contribution from Housing New Zealand Corporation to the project*
6. *Agree that officers lodge a resource consent application and note that these applications may be publicly notified*
7. *Agree that officers lodge a building consent application.*
8. *Agree that construction of the new units proceed provided that the application referred to in recommendation 2 is successful*
9. *Agree that if the application receives materially less than 50% funding from the Housing Innovation Fund, officers will come back to the Committee for further guidance and decisions*
10. *Note that officers will develop a comprehensive communications strategy to ensure affected tenants and social agencies are fully aware of these initiatives.*
11. *Request officers to carry out further investigations into alternatives for the development of Walden Street and other possible sites.*

2. ***ITEM 103/06P SIX MONTH PROGRESS REVIEW ON THE DISTRICT PLAN WORK PROGRAMME (1215/52/IM) (REPORT 5)***

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note the progress on the four year District Plan work programme.*

3. *Agree that the Planning Policy team will continue to follow the District Plan work programme (attached as Appendix 1 of the officers report).*
4. *Agree that the Planning Policy Team will report back to the Committee in November 2006 on further progress with the work programme.*

STRATEGY AND POLICY COMMITTEE

Meeting of Wednesday 24 May 2006

(1215/11/IM)

(REPORT 6)

1. **ITEM 112/06P PROPOSED DISTRICT PLAN CHANGE 44:
GENERAL AMENDMENTS TO DISTRICT PLAN TEXT AND MAPS
AND PROPOSED VARIATION 1 TO DISTRICT PLAN CHANGE 33**
(1215/52/IM) (REPORT 5)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree to publicly notify the proposed District Plan zone changes and non-cadastral zone boundary ratifications, attached as Appendix 1 (of the Officers Report) in accordance with the First Schedule of the Resource Management Act 1991.*
 - a. *except for the proposal relating to rezoning of the corner of Karori Road and Campbell Street, to allow officers to re-communicate the rationale for the proposed plan change to Karori residents and report back to Strategy and Policy Committee within 3 months.*
 - b. *In respect of West Tawa development land, approval is subject to satisfactory feedback from the Tawa Community Board.*
3. *Agree to publicly notify Variation 1 to District Plan Change 33 attached as Appendix 2 (of the Officers report) in accordance with the First Schedule of the Resource Management Act 1991.*

2. **ITEM 116/06P NEW ZEALAND COMMUNITY BOARDS' FORUM
'MEETING EXPECTATIONS', LOWER HUTT, 14-15 JULY 2006**
(1215/52/IM) (REPORT 9)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Approve the attendance of up to three members of the Tawa Community Board and up to two members of the Makara/Ohariu Community Board at the New Zealand Community Boards' Forum*

to be held in Lower Hutt, 14-15 July 2006, and that the costs associated with attending the Forum be met from the Elected Members Budget (GVEMO1).

3. *Approve the attendance of one Councillor at the New Zealand Community Boards' Forum to be held in Lower Hutt, 14-15 July 2006, and that the costs associated with attending the Forum be met from the Elected Members Budget (GVEMO1).*
4. *Note that a report back on the Forum from attendees of each community board will be presented to their respective Community Boards in accordance with Council policy.*

3. **ITEM 117/06P 2006 REPRESENTATION REVIEW: VISIT TO CHRISTCHURCH AND AUCKLAND**
(1215/52/IM) (REPORT 10)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Approve Councillor Shaw as Governance Portfolio Leader and Councillors Foster, McKinnon and Morrison visiting Christchurch and Auckland City Councils as soon as possible to investigate the operation of community boards in those two cities and that the associated travel costs be met from the Democratic Process budget.*

4. **ITEM 118/06P CLIMATE CHANGE AND GOVERNANCE CONFERENCE: 27 TO 29 MARCH 2006 – REPORT BACK ON CONFERENCE**
(1215/52/IM) (REPORT 11)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note that the Resource Management (Energy and Climate Change) Amendment Act 2004 requires local authorities to plan for the effects of climate change, which includes land use planning, asset management planning and civil defence planning. The Act also requires the Council to have particular regard to the efficiency of end use of energy and the benefits of using renewable energy.*
3. *Note that officers ensure that the RMA requirements above are reflected in the business plans and Asset Management Plans of relevant Council business units.*

4. *Note that the draft LTCCP includes the development of an Energy Management Plan that will be implemented by an energy manager whose focus is initially corporate energy use.*
5. *Note that the Council is consulting on the Corporate CCP-NZ greenhouse gas reduction goal via the LTCCP and will be consulting on the Community CCP-NZ reduction goal during the Community Outcomes Measurement process.*
6. *Note that District Plan Change 32 focused strongly on renewable energy and that we await the Environment Court outcomes before Chapters 24 and 25 can become operative.*

087/06C **QUESTION**
(1215/11/IM)

NOTED:

There were no questions.

088/06C **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/11/IM)

Moved Councillor Shaw, seconded Councillor Armstrong, the motion that the public be excluded.

RESOLVED:

THAT Council:

1. *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 7 - Regulatory Processes Committee, Meeting of Tuesday 9 May 2006

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.*

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

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

2. *Permit Craig Stephens of Phillips Fox to remain at this meeting, after the public has been excluded, because of his knowledge of Report 7 - Regulatory Processes Committee, Meeting of Tuesday 9 May 2006. This knowledge, which will be of assistance in relation to the matter being discussed.*

The meeting went into public excluded session at 6.50pm.

For item 089/06C, please see the public excluded minutes.

The meeting concluded at 6.51pm.

Confirmed: _____
Chair
/ /