
MINUTES

MONDAY 29 JUNE 2009

4.01pm – 6.24pm
6.51pm – 7.39pm
7.39pm – 8.04pm (Public Excluded Session)

Council Chamber
First Floor, Town Hall
Wakefield Street
Wellington

PRESENT:

Mayor Prendergast (4.01pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Ahipene-Mercer (4.01pm – 5.19pm, 5.21pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Best (4.01pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Cook (4.01pm – 5.00pm, 5.03pm – 5.09pm, 5.12pm – 6.24pm, 6.51pm -
Councillor Coughlan (4.01pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Foster (4.59pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Gill (4.01pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Goulden (4.01pm – 4.14pm, 4.17pm – 4.20pm, 4.23pm – 4.59pm, 5.07pm – 5.12pm, 5.26pm – 5.47pm)
Councillor McKinnon (4.01pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Morrison (4.01pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Pannett (4.01pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Pepperell (4.01pm – 6.24pm, 6.51pm – 7.32pm, 7.33pm – 7.39pm, 7.41pm – 8.04pm)
Councillor Ritchie (4.01pm – 6.24pm, 6.51pm – 6.56pm, 6.57pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Wade-Brown (4.01pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)
Councillor Wain (5.28pm – 6.24pm, 6.51pm – 7.39pm, 7.39pm – 8.04pm)

APOLOGIES:

Councillor Foster (for lateness)
Councillor Wain (for lateness)

072/09C **APOLOGIES**
(1215/11/IM)

Moved Mayor Prendergast, seconded Councillor Gill, the motion that Council accept apologies for lateness from Councillors Foster and Wain.

The motion was put and declared CARRIED on voices.

RESOLVED:

THAT Council:

1. *Accept apologies for lateness from Councillors Foster and Wain.*

073/09C **CONFIRMATION OF MINUTES**
(1215/11/IM)

Moved Mayor Prendergast, seconded Councillor Gill the motion that Council approve the minutes of the meetings held on Thursday 5 March 2009 (extraordinary meeting), Thursday 16 April 2009 (extraordinary meeting) and Monday 20 April 2009 having been circulated, that they be taken as read and confirmed as an accurate record of those meetings.

Councillor Goulden challenged the accuracy of the minutes of Monday 20 April 2009. The Mayor clarified that the minutes being confirmed were the minutes of the Council meeting held on Monday 20 April. The minutes referred to by Councillor Goulden were the minutes of the Strategy and Policy Committee meeting held on Monday 20 April 2009. The Mayor confirmed that those minutes had been confirmed at the Strategy and Policy Committee meeting of Tuesday 16 June 2009.

Councillor Goulden challenged the Mayor's ruling.

The challenge was put to the vote.

Voting for: Councillor Goulden

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wade-Brown.

Majority Vote: 1:12

The challenge was declare LOST.

The motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Councillor Goulden.

Majority Vote: 12:1

The motion was declared CARRIED.**RESOLVED:**

THAT Council:

1. *Approve the minutes of the meetings held on Thursday 5 March 2009 (extraordinary meeting), Thursday 16 April 2009 (extraordinary meeting) and Monday 20 April 2009 having been circulated, that they be taken as read and confirmed as an accurate record of those meetings.*

074/09C **PUBLIC PARTICIPATION**
(1215/11/IM)

NOTED:

1. Margaret Brown addressed the meeting regarding Report 1 - Regulatory Processes Committee, Request for Fresh Lease from Newlands Community House Inc. She asked for a two year extension to the lease. It was felt that the new Community House was not in competition with the new hall, but complemented it. There are a number of beneficial activities currently being conducted at the Newlands Community House, at no disadvantage to Council.

(Councillor Goulden left the meeting at 4.14pm.)

(Councillor Goulden returned to the meeting 4.17pm.)

2. Bruce Scott addressed the meeting regarding Report 1 - Regulatory Processes Committee, Request for Fresh Lease from Newlands Community House Inc. Mr Scott asked that the lease be extended for a further two years. He said there was no good reason why the lease should not be renewed. There is no cost or loss for the Council but there is an ongoing benefit to the community.

(Councillor Goulden left the meeting at 4.20pm.)

075/09C **ANNOUNCEMENTS BY THE MAYOR**
(1215/11/IM)

NOTED:

There were no announcements from the Mayor.

076/09C **PETITIONS**
(1215/11/IM)

NOTED:

There were no petitions

077/09C **CONFLICT OF INTEREST DECLARATIONS**
(1215/11/IM)

NOTED:

1. Mayor Prendergast announced that Councillors would declare their conflicts of interest and withdraw from the meeting as their conflicts arise.

General Business

078/09C **REGULATORY PROCESSES COMMITTEE** (4.21 – 4.59pm)
Meeting of Wednesday 10 June 2009
(1215/11/IM) (REPORT 1)

Moved Mayor Prendergast, seconded Councillor Gill the substantive motion, amended as followed:

(Councillor Goulden returned to the meeting at 4.23pm.)

1. Receive the information.
2. **Note that Newlands Community House Inc. have altered their request from a lease with a tenure of 10 years with a right of renewal for a further 10 years to a fresh lease for 2 years only.**
3. Decline the request for a fresh ground lease to Newlands Community House Incorporated.
4. **Note that the existing lease has the following conditions:**
 - (a) **expiry on 30 June 2009**

- (b) **Newlands Community House Incorporated may remove its building from the Batchelor Street Reserve by 31 December 2009 if notice is given by 30 June 2009**
 - (c) **if the building is not removed by that date the building ownership reverts to Council.**
5. **Note that the time that has elapsed since the Regulatory Processes Committee meeting on 10 June 2009 and this Council meeting means that there is inadequate time for Newlands Community House Incorporated to vacate and advise of their intention regarding this building.**
6. **Agree to**
- (a) **allow Newlands Community House Incorporated to remain on the land under the holding over provisions of the Property Law Act 2007 on the same terms as the existing lease except for the removal of the building**
 - (b) **amend the provisions of the lease regarding the removal of the lessee's building to require;**
 - i) **notification to officers of the intention to remove the building by 30 September 2009;**
 - ii) **removal of the building from site by 31 December 2009.**
7. Note that Newlands Community House Incorporated is intending to make a separate application for a licence to operate a community garden on part of the Batchelor Street Reserve.
8. Note that:
- (a) the current classification of the Batchelor Street Reserve is Local Purpose (Community Centre) Reserve and this classification is unsuitable if the land becomes no longer used for this purpose; and
 - (b) the long term future of the Batchelor Street Reserve will be decided following consultation on the Newlands Long Term Development Plan and an assessment of the open space network in Newlands.
9. Agree that the Leases Policy for Community and Recreation Groups does not anticipate the provision of existing services being delivered by alternative facilities in close proximity and that this is a relevant factor to take into account in the decision of this proposal.
10. Note that:
- (a) taking into account issues arising from the establishment of the new community centre as considerations relevant to determining Newlands Community House Incorporated's application; and
 - (b) deciding not to grant a fresh lease to Newlands Community House Incorporated,

may be inconsistent with the Leases Policy for Community and Recreation Groups.

11. Note that the Leases Policy for Community and Recreation Groups is on a policy review programme and due to be reviewed during 2010.
12. Direct officers to take this decision into account as part of any review of the Leases Policy for Community and Recreation Groups.

Moved Councillor Best, seconded Councillor Ritchie the following amendment:

1. Receive the information.
2. Note that Newlands Community House Inc. have altered their request from a lease with a tenure of 10 years with a right of renewal for a further 10 years to a fresh lease for 2 years only.
- ~~3. Decline the request for a fresh ground lease to Newlands Community House Incorporated.~~
- 3. Agree to grant a fresh lease to the Newlands Community House Inc. for a term of two years subject to the following conditions:**
 - (a) notification to officers of the intention to remove the building by 31 March 2011;
 - (b) if the lessee decides to retain ownership of the building the removal of the building and all site-clearance works shall be completed prior to the end of the lease;
 - (c) additional users to be accepted during the period of the lease only with the prior written agreement of the Manager City Communities;
 - (d) both parties to the lease shall use reasonable endeavours to ensure that existing users, where appropriate, are relocated to the Newlands community Centre within the two year lease period. If the existing user(s) cannot reasonably be accommodated within Newlands Community Centre then the parties will use reasonable endeavours to find alternate accommodation.
- ~~4. Note that the existing lease has the following conditions:~~
 - ~~(d) expiry on 30 June 2009~~
 - ~~(e) Newlands Community House Incorporated may remove its building from the Batchelor Street Reserve by 31 December 2009 if notice is given by 30 June 2009~~
 - ~~(f) if the building is not removed by that date the building ownership reverts to Council.~~
- ~~5. Note that the time that has elapsed since the Regulatory Processes Committee meeting on 10 June 2009 and this Council meeting means~~

~~that there is inadequate time for Newlands Community House Incorporated to vacate and advise of their intention regarding this building.~~

- ~~6. Agree to~~
- ~~(e) allow Newlands Community House Incorporated to remain on the land under the holding over provisions of the Property Law Act 2007 on the same terms as the existing lease except for the removal of the building~~
 - ~~(d) amend the provisions of the lease regarding the removal of the lessee's building to require;~~
 - ~~iii) notification to officers of the intention to remove the building by 30 September 2009;~~
 - ~~iv) removal of the building from site by 31 December 2009.~~
7. Note that Newlands Community House Incorporated is intending to make a separate application for a licence to operate a community garden on part of the Batchelor Street Reserve.
8. Note that:
- (c) the current classification of the Batchelor Street Reserve is Local Purpose (Community Centre) Reserve and this classification is unsuitable if the land becomes no longer used for this purpose; and
 - (d) the long term future of the Batchelor Street Reserve will be decided following consultation on the Newlands Long Term Development Plan and an assessment of the open space network in Newlands.
- ~~9. Agree that the Leases Policy for Community and Recreation Groups does not anticipate the provision of existing services being delivered by alternative facilities in close proximity and that this is a relevant factor to take into account in the decision of this proposal.~~
- ~~10. Note that:~~
- ~~(e) taking into account issues arising from the establishment of the new community centre as considerations relevant to determining Newlands Community House Incorporated's application; and~~
 - ~~(d) deciding not to grant a fresh lease to Newlands Community House Incorporated,~~
~~may be inconsistent with the Leases Policy for Community and Recreation Groups.~~
11. Note that the Leases Policy for Community and Recreation Groups is on a policy review programme and due to be reviewed during 2010.
- ~~12. Direct officers to take this decision into account as part of any review of the Leases Policy for Community and Recreation Groups.~~

The amendment was put.

Voting for: Councillors Best, Cook, Goulden, Pepperell, Ritchie and Wade-Brown.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Coughlan, Gill, McKinnon, Morrison and Pannett.

Majority Vote: 6:7

The amendment was declared LOST.

The substantive motion recommendation 3 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Coughlan, Gill, McKinnon, Morrison and Pannett.

Voting against: Councillors Best, Cook, Goulden, Pepperell, Ritchie and Wade-Brown.

Majority Vote: 7:6

The substantive motion recommendation 3 was declared CARRIED.

The substantive motion recommendations 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 were put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Gill, McKinnon, Morrison, Pannett, Pepperell and Wade-Brown.

Voting against: Councillors Cook, Goulden and Ritchie.

Majority Vote: 10:3

The substantive motion recommendations 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 were declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information.*
2. *Note that Newlands Community House Inc. have altered their request from a lease with a tenure of 10 years with a right of renewal for a further 10 years to a fresh lease for 2 years only.*
3. *Decline the request for a fresh ground lease to Newlands Community House Incorporated.*

4. *Note that the existing lease has the following conditions:*
 - (a) *expiry on 30 June 2009*
 - (b) *Newlands Community House Incorporated may remove its building from the Batchelor Street Reserve by 31 December 2009 if notice is given by 30 June 2009*
 - (c) *if the building is not removed by that date the building ownership reverts to Council.*

5. *Note that the time that has elapsed since the Regulatory Processes Committee meeting on 10 June 2009 and this Council meeting means that there is inadequate time for Newlands Community House Incorporated to vacate and advise of their intention regarding this building.*

6. *Agree to*
 - (a) *allow Newlands Community House Incorporated to remain on the land under the holding over provisions of the Property Law Act 2007 on the same terms as the existing lease except for the removal of the building*
 - (b) *amend the provisions of the lease regarding the removal of the lessee's building to require;*
 - i) *notification to officers of the intention to remove the building by 30 September 2009;*
 - ii) *removal of the building from site by 31 December 2009.*

7. *Note that Newlands Community House Incorporated is intending to make a separate application for a licence to operate a community garden on part of the Batchelor Street Reserve.*

8. *Note that:*
 - (a) *the current classification of the Batchelor Street Reserve is Local Purpose (Community Centre) Reserve and this classification is unsuitable if the land becomes no longer used for this purpose; and*
 - (b) *the long term future of the Batchelor Street Reserve will be decided following consultation on the Newlands Long Term Development Plan and an assessment of the open space network in Newlands.*

9. *Agree that the Leases Policy for Community and Recreation Groups does not anticipate the provision of existing services being delivered by alternative facilities in close proximity and that this is a relevant factor to take into account in the decision of this proposal.*

10. *Note that:*
 - (a) *taking into account issues arising from the establishment of the new community centre as considerations relevant to determining Newlands Community House Incorporated's application; and*

(b) deciding not to grant a fresh lease to Newlands Community House Incorporated, may be inconsistent with the Leases Policy for Community and Recreation Groups.

11. *Note that the Leases Policy for Community and Recreation Groups is on a policy review programme and due to be reviewed during 2010.*
12. *Direct officers to take this decision into account as part of any review of the Leases Policy for Community and Recreation Groups.*

NOTED:

The resolutions differed from the recommendations in the officer's report as follows:

The Council added the words in **bold**.

079/09C **DISCUSSION PAPER – PAYMENT OF MILEAGE ALLOWANCES FOR ELECTED MEMBERS** (4.59 – 5.06pm)
Report of Ross Bly – Special Projects and Electoral Officer.
(1215/11/IM) (REPORT 2)

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

(Councillor Goulden left the meeting at 4.59pm.)

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Nil.

Majority Vote: 13:0

The substantive motion was declared CARRIED.

(Councillor Foster joined the meeting at 4.59pm.)

(Councillor Cook left the meeting at 5.00pm.)

(Councillor Cook returned to the meeting at 5.03pm.)

RESOLVED:

THAT Council:

1. *Receive the information.*
2. *Note that the Tawa and Makara Ohariu Community Boards have considered and are in support of the Wellington City Council's proposed submission on the Payment of Mileage Allowances for Elected Members.*
3. *Agree that the submission (attached as appendix 2 to the officer's report) on the Payment of Mileage Allowances for Elected Members be forwarded to the Remuneration Authority for their consideration.*
4. *Authorise the Chief Executive and the Mayor to make any minor editorial changes to the submission and to reflect any additional matters agreed by the Council.*

080/09C **WITHDRAWAL OF PLAN CHANGE 65 EARTHWORKS AND NOTIFICATION OF PLAN CHANGE 70 EARTHWORKS(5.06 - 518pm)**
Report of Alison Newbald – Policy Adviser, District Plan, Strategy.
(1215/11/IM) (REPORT 3)

(Councillor Goulden returned to the meeting at 5.07pm.)

(Councillor Cook left the meeting at 5.09pm.)

(Councillor Goulden left the meeting at 5.12pm.)

(Councillor Cook returned to the meeting at 5.12pm.)

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

The substantive motion recommendation 2 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Councillor Best.

Majority Vote: 12:1

The substantive motion recommendation 2 was declared CARRIED.

The substantive motion recommendation 1, 3, 4, 5, 6 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Nil.

Majority Vote: 13:0

The substantive motion recommendation 1, 3, 4, 5, 6 was declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information.*
2. *Agree to publicly notify Proposed District Plan Change 70 (attached as Appendix One of the officer's report), in accordance with the First Schedule of the Resource Management Act 1991 (the Act) concurrently with the withdrawal of DPC65 and Variation 6.*
3. *Agree to withdraw Proposed Plan Change 65 (DPC65) and Variation 6 (to Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) & Rural Area) at the time of notifying DPC70.*
4. *Agree to adopt the Section 32 Report for Proposed District Plan Change 70 (attached as Appendix Two of the officer's report).*
5. *Delegate to the Portfolio Leader for Urban Development and Transport, the authority to approve minor editorial changes to Proposed District Plan Change 70, and the authority to sign off the final plan change documentation prior to notification.*
6. *Delegate to the Portfolio Leader for Urban Development and Transport, the authority to approve and sign off minor editorial changes to the Section 32 Report for Proposed District Plan Change 70.*

081/09C **APPROVAL OF DISTRICT PLAN CHANGES 32, 47, 50, 56, 64 AND DISTRICT PLAN CHANGES 33, 53, AND 58 IN PART (5.18 – 5.21pm)**
Report of Brett McKay – Chief Planner.
(1215/11/IM) (REPORT 4)

Moved Councillor Foster, seconded Gill the substantive motion

(Councillor Ahipene-Mercer left the meeting at 5.19pm.)

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information.*
2. *Agree to approve District Plan Changes 32, 47, 50, 56 and 64 in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991.*
3. *Agree to approve District Plan Change 33 in accordance with clause 17(2) of Schedule 1 to the Resource Management Act 1991 with the exception of the Ridgeline and Hilltop overlay line on the property in Stebbings Valley subject to the outstanding appeal from Best Farms Limited.*
4. *Agree to approve District Plan Changes 53 and 58 in accordance with clause 17 (2) of Schedule 1 to the Resource Management Act 1991 with the exception of the listed items covered in the outstanding appeals from the Baptist Union of New Zealand, S Moran, Braemar Holdings and P Cullen.*
5. *Agree that the Plan Changes shall become operative on Friday 10 July 2009.*

082/09C **INVITATIONS FOR COUNCILLORS TO VISIT JAPAN – 17-24
OCTOBER 2009** (5.21 – 5.27pm)
Report of Ross Bly – Special Projects and Electoral Officer.
(1215/11/IM) (REPORT 5)

(Councillor Ahipene-Mercer returned to the meeting at 5.21pm.)

Moved Councillor McKinnon, seconded Mayor Prendergast the substantive motion, amended as follows:

New 2:

2. Supports Councillor Wain to visit Japan as a member of the Hutt Minoh Friendship House Trust with the Wellington Sakai Association.

Moved Councillor Ritchie, seconded Councillor Gill the procedural motion that the amended substantive be put.

The procedural motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Gill, McKinnon, Morrison, Pepperell, Ritchie and Wade-Brown.

Voting against: Councillors Cook, Foster and Pannett.

Majority Vote: 10:3

The procedural motion was declared CARRIED.

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Gill, McKinnon and Morrison.

Voting against: Councillors Foster, Pannett, Pepperell, Ritchie and Wade-Brown.

Majority Vote: 8:5

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information.*
2. *Supports Councillor Wain to visit Japan as a member of the Hutt Minoh Friendship House Trust with the Wellington Sakai Association.*

NOTED:

The resolutions differed from the recommendations in the officer's report as follows:

1. The Council added the words in **bold**.

(Councillor Goulden returned to the meeting at 5.26pm.)

083/09C **ADOPTION OF THE LONG TERM COUNCIL COMMUNITY PLAN 2009/2010 – 2018 – 2019 (STRATEGY AND POLICY COMMITTEE - MEETING OF TUESDAY 16 JUNE 2009)** (5.27 – 7.23pm)
Report of Brian Hannah – Principal Advisor and Helen Rogers – Financial Controller.
(1215/11/IM) (REPORT 6)

(Councillor Wain joined the meeting at 5.28pm.)

Councillor Goulden sought permission for the Chair to make a personal explanation. Permission was granted.

Following enquiries into issues surrounding the financials of the Indoor Community Sport Centre, Councillor Goulden found ten different sources of figures.

(Mayor Prendergast reminded Councillor Goulden that this was not a personal statement and that he could raise these issues later in debate.)

Councillor Goulden responded that he had found different figures affected his ability to do his job for his constituents. Councillor Goulden also said that this was not the first time he had come across serious anomalies and he was concerned about what the Council was embarking upon.

(Mayor Prendergast reminded Councillor Goulden that this was not a personal statement.)

Councillor Goulden noted that on the third day of the Long Term Council Community Plan (LTCCP) deliberations, a remark was made to which he took offence. Councillor Goulden followed up Chief Executive Officer. Independent legal advice obtained by the Chief Executive Officer said that the process had not been tainted, however this had not been provided to Councillor Goulden.

Councillor Goulden acknowledged that his use of a profanity during the LTCCP deliberations was inappropriate. He apologised for this. It was said that the use of such language had come out of a sense of frustration. Councillor Goulden stood by his comments made at the LTCCP deliberations. He believed the process was tainted and that he would take no further part in it.

Mayor Prendergast noted that she wished to make a personal explanation in response to Councillor Goulden as some of his comments were incorrect and asked Councillor Goulden to remain for her personal explanation. Councillor Goulden declined to remain.

(Councillor Goulden left the meeting at 5.47pm.)

She wanted to make what she had said during the LTCCP deliberations completely clear. She also wanted to make it clear that she personally had no involvement with any phone calls made on Sunday. Mayor Prendergast outlined the events leading up to Councillor Goulden being told to leave the LTCCP deliberations. Councillor Goulden had not been in the meeting. When he arrived back he heard a comment made by another Councillor and immediately raised a point of order requesting an explanation of that comment. Mayor Prendergast, in summarising the debate for Councillor Goulden, said that there has been statements about phone calls and deals done on Sunday. She emphasised that this did not include her personally, but Councillor Goulden has chosen to assume that it did. He has since repeatedly made comments to that affect to the print and radio media. Mayor Prendergast said the Chief Executive Officer and Council General Counsel have given advice that clearly states that the LTCCP process has not been tainted and there is no reason why it should not go ahead. Mayor Prendergast said she thought it was unfortunate that Councillor Goulden had decided not to take part in what is the biggest decision for Council, and what he was elected to do.

Moved Mayor Prendergast, from the Chair, the substantive motion, except Recommendation 7 Project ID C581, Events Development Fund. The substantive motion was amended as follows:

New 1:

1. Receive the information, **as amended.**

TABLED:

An amended copy of page 444 of the agenda.

(The meeting adjourned at 6.24pm for dinner.)

(The meeting reconvened at 6.51pm. When the meeting reconvened Mayor Prendergast and Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain were present.)

Moved Councillor Best the following amendment to recommendation 7:

7. Agree the projects and programme budgets (attached as appendix 2) and note that these are reflected in the activity budgets provided in the Long Term Council Community Plan 2009/10 – 18/19; **and:**
 - (a) **Agree to \$50,000 opex for 2009/10 to ZEAL for fit out for their new accommodation in Ghuznee Street on condition that funding will only be released once other financial support is confirmed that enables the fit out to be completed.**

The amendment was ACCEPTED with leave of the meeting.

Moved Councillor Foster, seconded Councillor Morrison the following amendment to recommendation 7:

7. Agree the projects and programme budgets (attached as appendix 2) and note that these are reflected in the activity budgets provided in the Long Term Council Community Plan 2009/10 – 18/19; **and:**
- (a) **Agree that during 2009/2010 officers undertake necessary planning, consultation, and other preparatory work including pursuing external funding contributions with the expectation that Council will use its best endeavours to accelerate the 10 year installation programme of artificial turfs.**

(Councillor Ritchie left the meeting at 6.56pm.)

The amendment was ACCEPTED with leave of the meeting.

(Councillor Ritchie returned to the meeting at 6.57pm.)

Recommendations 1, 2, 3, 4, 5 and 6 were put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil

Majority Vote: 14:0

Recommendations 1, 2, 3, 4, 5 and 6 were declared CARRIED.

(Councillor Cook declared a conflict of interest in relation to Project ID C580, St James Theatre Charitable Trust, and withdrew from voting.)

Recommendation 7, Project ID C580 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 13:0

Recommendation 7, Project ID C580 was declared CARRIED.

(Councillor Cook returned to the table.)

(Councillor Coughlan declared a conflict of interest in relation to CX496 and C659, Carter Observatory, and C105, Positively Wellington Tourism, and withdrew from voting.)

Recommendation 7, Project ID CX496, C659 and C105 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil

Majority Vote: 13:0

Recommendation 7, Project ID CX496, C659 and C105 was declared CARRIED.

(Councillor Coughlan returned to the table.)

(Councillor Morrison declared a conflict of interest in relation to Project ID C008, Basin Reserve Grant, and withdrew from voting.)

Recommendation 7, Project ID C008 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 13:0

Recommendation 7, Project ID C008 was declared CARRIED.

(Councillor Morrison returned to the table.)

(Mayor Prendergast declared a conflict of interest in relation to Project ID C581, Events Development Fund, and withdrew from voting. Councillor McKinnon, as deputy mayor, assumed the chair.)

Moved Councillor McKinnon, from the chair, Recommendation 7, Project ID C581.

Recommendation 7, Project ID C581 was put.

Voting for: Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 13:0

Recommendation 7, Project ID C581 was declared CARRIED.

(Mayor Prendergast returned to the table and resumed the chair.)

(Councillor Ritchie declared a conflict of interest in relation to Recommendation 7, Project ID C674, the Wet Hostel for Wellington City, and withdrew from voting.)

Recommendation 7, Project ID C674 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 13:0

Recommendation 7, Project ID C674 was declared CARRIED.

(Councillor Ritchie returned to the table.)

(Councillor Wade-Brown declared a conflict of interest in relation to CX125, Zoo Renewals, CX340, Zoo Upgrades, and C046, Wellington Zoo, and withdrew from voting.)

Recommendation 7, Project ID CX125, CX340 and C046 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wain.

Voting against: Nil.

Majority Vote: 13:0

Recommendation 7, Project ID CX125, CX340 and C046 was declared CARRIED.

(Councillor Wade-Brown returned to the table.)

(Councillor Wain declared a conflict of interest in relation to Recommendation 7, Project ID CX500, Art Gallery, and C102, Wellington Museums Trust Funding, and withdrew from voting.)

Recommendation 7, Project ID CX500 and C102 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Nil.

Majority Vote: 13:0

Recommendation 7, Project ID CX500 and C102 was declared CARRIED.

(Councillor Wain returned to the table.)

Recommendation 7, Project ID A312, Wellington Waterfront operations, C378, Wellington Waterfront project and CX131, Wellington Waterfront development, was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Wade-Brown and Wain.

Voting against: Councillors Pannett, Pepperell and Ritchie.

Majority Vote: 11:3

Recommendation 7, Project ID A312, C378 and CX131 were declared CARRIED.

Recommendation 7, Project ID C426, Marine Education Centre was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Ritchie, Wade-Brown and Wain.

Voting against: Councillor Pepperell.

Majority Vote: 13:1

Recommendation 7, Project ID C426 was declared CARRIED.

Recommendation 7, Project ID CX499, Indoor Community Sport Centre, and C669, Indoor Community Sport Centre, was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Gill, McKinnon, Morrison, Ritchie, Wade-Brown and Wain.

Voting against: Councillors Foster, Pannett and Pepperell.

Majority Vote: 11:3

Recommendation 7, Project ID CX499 and C669 was declared CARRIED.

The remainder of Recommendation 7 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

The remainder of Recommendation 7 was declared CARRIED.

Recommendations 8 and 9 were put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

Recommendations 8 and 9 were declared CARRIED.

Recommendation 10 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Ritchie, Wade-Brown and Wain.

Voting against: Councillor Pepperell.

Majority Vote: 13:1

Recommendation 10 was declared CARRIED.

Recommendation 11 was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Foster, McKinnon, Morrison, Pannett, Wade-Brown and Wain.

Voting against: Councillors Cook, Gill, Pepperell and Ritchie.

Majority Vote: 10:4

Recommendation 11 was declared CARRIED.

(Andy Burns from Audit New Zealand addressed the Council regarding the audit approval for the 2009/19 Long Term Council Community Plan.)

Recommendations 12 and 13 were put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Ritchie, Wade-Brown and Wain.

Voting against: Councillor Pepperell.

Majority Vote: 13:1

Recommendations 12 and 13 were declared CARRIED.**RESOLVED:**

THAT Council:

1. *Receive the information.*
2. *Note that the Draft Long Term Council Community Plan 2009/10 – 2018/19 was consulted on using the special consultative procedure from 16 April to 18 May 2009.*
3. *Note that oral submissions were heard by the Long Term Plan Hearings Subcommittee from 25 – 29 May 2009.*
4. *Note that the Strategy and Policy Committee considered the issues raised in written and oral submissions at its meeting of 16 June 2009.*
5. *Note that the Long Term Council Community Plan 2009/10 – 2018/19 has been prepared based on changes to the statement of proposal as a result of decisions and recommendations of the Strategy and Policy Committee meeting of 16 June 2009 as outlined in section 4.3 of this report.*

6. *Note that Audit New Zealand has completed their review and have indicated that they expect to issue an unqualified report at this meeting.*
7. *Agree the projects and programme budgets (attached as appendix 2 to the officer's report) and note that these are reflected in the activity budgets provided in the Long Term Council Community Plan 2009/10 – 18/19. and:*
 - (a) *agree to \$50,000 opex for 2009/10 to ZEAL for fit out for their new accommodation in Ghuznee Street on condition that funding will only be released once other financial support is confirmed that enables the fit out to be completed*
 - (b) *agree that during 2009/2010 officers undertake necessary planning, consultation, and other preparatory work including pursuing external funding contributions with the expectation that Council will use its best endeavours to accelerate the 10 year installation programme of artificial turfs.*
8. *Agree that, having due regard to the requirements of section 100 of the Local Government Act 2002, the Council's forecasting assumptions and the Revenue and Financing Policy, it is financially prudent not to set a level of operating revenue that meets the projected operating expenses of Council.*
9. *Agree that for 2009/10 it is financially prudent to forecast a surplus of \$24.128 million, comprising:*
 - (a) *Unfunded depreciation on the following assets:*
 - (i) *Clearwater Sewerage Treatment Plant (\$2.768m)*
 - (ii) *The building that housed the Living Earth Joint Venture Plant (\$0.197m)*
 - (iii) *Transport Assets (\$7.521m).*
 - (b) *Revenue received for capital purposes:*
 - (i) *NZTA capital subsidies (\$14.418m)*
 - (ii) *Housing capital grant and ring-fenced surplus (\$14.328m)*
 - (iii) *Development contributions (\$4.524m)*
 - (iv) *Bequests, trusts and other external funding (\$0.745m).*
 - (c) *Self Insurance Reserve (\$0.5m).*
 - (d) *Unrealised fair value adjustment for loans and receivables (\$0.098m).*
10. *Agree new borrowings of up to \$49.430 million to fund capital expenditure (including forecast carried forward capital expenditure) and loans for the 2009/10 year.*

11. *Agree that the General rate differential for 2009/10 be set at a level where commercial, industrial and business properties pay 3.45 times the amount of general rate per dollar of capital value than properties incorporated in the Base (residential) differential.*
12. *Adopt the Long Term Council Community Plan 2009/10 – 2018/19 (as attached in appendix one to the officer's report) including:*
- *Community outcomes: a list of them and the process for determining them.*
 - *Groups of activities: activity statements on the intended levels of service for activities grouped by strategy area.*
 - *An outline of the steps the Council intends taking to develop Maori capacity to contribute to decision-making processes.*
 - *A schedule covering the nature and scope of the activities of the Council's council-controlled organisations.*
 - *Forecast Financial Statements.*
 - *Funding Impact Statement.*
 - *Schedule of fees and charges and rating mechanism for 2009/10.*
 - *Statement concerning the balancing of the budget.*
 - *Funding and Financial Policies (Revenue and Financing Policy, Development Contributions Policy, Investment and Liability Management Policy, Rates Remission Policy, Rates Postponement Policy, and Policy on Partnerships with the Private Sector).*
 - *Statement of Significant Forecasting Assumptions.*
 - *Summaries of the Assessment of Water and Sanitary Services and of the Waste Management Plans.*
 - *Significance Policy.*
12. *Delegate to the Chief Executive Officer the authority to make any minor editorial changes that may arise as part of the publication process.*

NOTED:

The resolutions differed from the recommendations in the officer's report as follows:

The Council added the words in **bold**.

084/09C **SETTING OF RATES FOR 2009/2010** (7.23 – 7.25pm)
 Report of Neil Cherry – Chief Financial Officer.
 (1215/11/IM) (REPORT 7)

Moved Mayor Prendergast, seconded Councillor McKinnon the substantive motion, amended as follows:

2. Having adopted the 2009/10 to 2018/19 LTCCP incorporating the 2009/10 funding impact statement, resolve under section 23 and 24 of the Local Government Rating Act to set the rates for the year commencing on 1 July 2009 and concluding on 30 June 2010, as described in section 4 of this report, **amended as follows to reflect decisions made as part of Report 6 as follows:**
 - (a) **General Rate: A differential general rate is set under section 13 and 14 of the LGRA as an amount per dollar of rateable capital value on each rating unit as follows:**
 - i. **a rate of 0.178051 cents per dollar of rateable capital value on every rating unit in the “Base” differential rating category; and,**
 - ii. **a rate of 0.610341 cents per dollar of rateable capital value on every rating unit in the “Commercial, industrial and business” differential rating category.”**

The amended substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Ritchie, Wade-Brown and Wain.

Voting against: Councillor Pepperell.

Majority Vote: 13:1

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the information*
2. *Having adopted the 2009/10 to 2018/19 Long Term Council Community Plan incorporating the 2009/10 funding impact statement, resolve under section 23 and 24 of the Local Government (Rating) Act 2002 to set the rates for the year commencing on 1 July 2009 and concluding on 30 June 2010, as described in section 4 of this report, amended as follows to reflect decisions made as part of Report 6 as follows:*
 - (a) *General Rate: A differential general rate is set under section 13 and 14 of the Local Government (Rating) Act 2002 as an amount per dollar of rateable capital value on each rating unit as follows:*

- i. *a rate of 0.178051 cents per dollar of rateable capital value on every rating unit in the “Base” differential rating category; and,*
 - ii. *a rate of 0.610341 cents per dollar of rateable capital value on every rating unit in the “Commercial, industrial and business” differential rating category.”*
3. *Agree to include in the 2009/10 to 2018/19 Long Term Council Community Plan Funding Impact Statement the Rates Requirement Statement attached as Appendix 1 of the officer’s report.*

NOTED:

The resolutions differed from the recommendations in the officer’s report as follows:

The Council added the words in **bold**.

Reports from Committees – Part A

Committee Decisions requiring Council approval

085/09C **STRATEGY AND POLICY COMMITTEE**

Meeting of Thursday 11 June 2009

(1215/11/IM)

(REPORT 8)

1. **ITEM 125/09P REVIEW OF SPEED LIMITS BYLAW (7.25 – 7.27pm)**
(1215/52/IM) (REPORT 3)

Moved Councillor Wain, seconded Councillor Foster the substantive motion.

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil

Majority Vote: 14:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

5. (a) *Note that the Council is required to review the Wellington City Consolidated Bylaw 2008 Part 6 – Speed Limits by 4 October 2009 pursuant to section 158 of the Local Government Act 2002.*

- (a) *Agree that amending the Wellington City Consolidated Bylaw 2008 Part 6 – Speed Limits is the most appropriate way to address the perceived problem and it is the most appropriate form of bylaw.*
- (b) *Agree that the proposed amendments to the Wellington City Consolidated Bylaw 2008 Part 6 – Speed Limits do not give rise to any implications under the New Zealand Bill of Rights Act 1990.*
- (c) *Agree to initiate the Special Consultative Procedure on the proposed amended Wellington City Consolidated Bylaw 2008 Part 6 – Speed Limits, pursuant to sections 83, 86, 156, 158 and 160 of the Local Government Act 2002 (attached to this report of the Committee as appendix 1).*
- (d) *Note that consultation will take place from 30 June 2009 to 7 August 2009.*

NOTED:

Resolutions 1 – 4 are included in Part B for noting.

2. **ITEM 126/09P LEISURE CARD AND OVER 65'S (7.27 – 7.28pm)**
(1215/52/IM) (REPORT 4)

Moved Councillor Best, seconded Councillor Gill the substantive motion.

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

- 2. *Agree that eligibility to the Passport to Leisure Scheme be extended to include all Superannuitants who are Wellington city residents.*

3. *Agrees to authorise the Chief Executive Officer to carry out all further steps required to enable Superannuitants to be eligible to the Passport to Leisure Scheme as honoured citizens.*
4. *Agree that the quarterly monitoring report include information on the number of people with Community Service Cards and Super Gold Card using Wellington City Council pools.*

NOTED:

Resolution 1 is included in Part B for noting.

3. **ITEM 128/09P LITTER FINES** (7.28 – 7.29pm)
(1215/52/IM) (REPORT 6)

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

The substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

3. *Agree that, pursuant to the Litter Act 1979;*
 - (a) *The maximum fine for littering infringement offences in the Wellington District, to be in force from 1 August 2009, shall be \$400.*
 - (b) *The following littering infringement offence descriptors and graduated scale of fines, to be in force from 1 August 2009, shall apply in the Wellington District:*
Fines for disposal of waste in the Wellington District in a public place or on private land without the occupier's consent

<i>Fine</i>	<i>Infringement Offences</i>
<i>\$100</i>	<ul style="list-style-type: none"> • <i>Depositing litter of less than 1 litre</i>
<i>\$200</i>	<ul style="list-style-type: none"> • <i>Depositing litter from 1 to 20 litres</i>

\$300	<ul style="list-style-type: none"> • Depositing litter from 20 to 120 litres • Depositing material from plants listed in the Wellington Regional Council Pest Management Strategy 2002 – 2022, or as amended
\$400	<ul style="list-style-type: none"> • Depositing litter of more than 120 litres • Depositing hazardous waste
Definitions	<ul style="list-style-type: none"> • Hazardous waste includes hazardous substances as classified under the Hazardous Substances and New Organisms Act 1996 and other potentially dangerous items including syringes and broken glass

- (c) Where an offence fits more than one descriptor, the higher fine shall apply.
- (d) For a repeat of the same offence within 12 months, the next higher fine level shall apply, if applicable.

NOTED:

Resolutions 1, 2 3 and 5 are included in Part B for noting.

086/09C **COUNCIL CONTROLLED ORGANISATIONS PERFORMANCE**
SUBCOMMITTEE (7.29 – 7.37pm)
Meeting of Friday 19 June 2009
(1215/11/IM) (REPORT 9)

(Councillor Pepperell left the meeting at 7.32pm.)

(Councillor Pepperell returned to the meeting at 7.33pm.)

1. **ITEM 033/09FM FINAL STATEMENTS OF INTENT FOR COUNCIL CONTROLLED ORGANISATIONS FOR THE YEAR 2009/10**

Moved Councillor McKinnon, seconded Councillor Coughlan the substantive motion.

The substantive motion recommendation 4(c) was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Wade-Brown and Wain.

Voting against: Councillors Pannett, Pepperell and Ritchie.

Majority Vote: 11:3

The substantive motion recommendation 4 (c) was declared CARRIED.

The remainder of the substantive motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Ritchie, Wade-Brown and Wain.

Voting against: Councillor Pepperell.

Majority Vote: 13:1

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Approve the following 2009/10 Statement of Intent's:*
 - (a) *Positively Wellington Tourism*
 - (b) *Wellington Cable Car Limited*
 - (c) *Wellington Zoo Trust*
 - (d) *Wellington Regional Stadium Trust, subject to approval by Greater Wellington.*

2. *Approve the St James Theatre Trust 2009/10 Statement of Intent and note that the Trust's cash flow pressures are likely to continue over the year that the Statement of Intent covers, and that officer's will continue to monitor the situation.*

3. (a) *Approve the Wellington Museums Trust 2009/10 Statement of Intent and note that the Trust is forecasting a deficit after depreciation for the next three years and states that subsequent deficits and / or reductions in service levels are likely unless it achieves budget or better in the previous three financial years and an inflation adjustment to Council's baseline funding is approved in 2012/13 and subsequent years.*
 - (b) *However officers have confirmed that for the 2012/2013 financial year, regardless of the level of Council's baseline funding the Trust must achieve at least a break even position after depreciation.*

4. *Approve the:*
 - (a) *Basin Reserve Trust 2009/10 Statement of Intent subject to:*
 - (i) *The revision of the Trust's financial forecasts to reflect the fact that any approved Council funding for the new practice wickets would be recorded in the Council's financial records as internal capex upgrade funding of an existing (owned) asset.*

- (ii) *The Trust explaining the rationale for its forecast losses almost doubling since the previous Statement of Intent.*
 - (iii) *The Trust committing to preparing an Asset Management Plan as a matter of urgency.*
- (b) *Capacity 2009/10 Statement of Intent subject to:*
- (i) *The final Service Level Agreement between Capacity and Council being agreed, and the Service Level Agreement and Statement of Intent being aligned in terms of strategy, outputs and performance measures*
 - (ii) *The Statement of Intent being approved by Hutt City Council, Capacity's other shareholder.*
- (c) *Wellington Waterfront Limited (WWL) 2009/10 Statement of Intent subject to:*
- (i) *the final Waterfront Development Plan, as approved by Strategy and Policy Committee after consultation, being accurately reflected in the final Wellington Waterfront Limited Statement of Intent.*
5. *Agree that, in order to give the incoming board a reasonable opportunity to engage and set strategic direction for the organisation, Strategy and Policy Committee consider the Karori Wildlife Sanctuary's 2009/10 Statement of Intent in September 2009.*

Reports from Committee - Part B

Committee decisions for Council to note

087/09C **RECEIPT OF INFORMATION FOR NOTING FROM COMMITTEES** **(7.37pm)**
(1215/11/IM)

Moved Mayor Prendergast, seconded Councillor Pannett, the motion that Council receive the information for noting from the Report 10 - Strategy and Policy Committee - Meeting of Thursday 4 June 2009, Report 11 - Strategy and Policy Committee - Meeting of Thursday 11 June 2009, Report 12 - Strategy and Policy Committee - Meeting of Tuesday 16 June 2009, Report 13 - Regulatory Processes Committee - Meeting of Wednesday 10 June 2009 and Report 14 - Council Controlled Organisations Performance Subcommittee - Meeting of Friday 19 June 2009.

The motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

The motion was declared CARRIED.**RESOLVED:**

THAT Council:

1. *Receive the information for noting from the Report 10 - Strategy and Policy Committee - Meeting of Thursday 4 June 2009, Report 11 - Strategy and Policy Committee - Meeting of Thursday 11 June 2009, Report 12 - Strategy and Policy Committee - Meeting of Tuesday 16 June 2009, Report 13 - Regulatory Processes Committee - Meeting of Wednesday 10 June 2009 and Report 14 - Council Controlled Organisations Performance Subcommittee - Meeting of Friday 19 June 2009.*

STRATEGY AND POLICY COMMITTEE

Meeting of Thursday 4 June 2009

(1215/11/IM)

(REPORT 10)

1. **ITEM 113/09P DISABILITY REFERENCE GROUP**
(1215/52/IM) (REPORT 1)

THAT the Strategy and Policy Committee:

1. *Receive the information.*

2. **ITEM 114/09P RESTORING THE GOLDEN MILE**
(1215/52/IM) (REPORT 4)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note the critical relationship between this project and the city's transport network objectives including the Ngauranga-Airport Plan and the growth spine.*
3. *Note that short and medium term enhancements are needed to the network in response to public transport growth and increasing*

network congestion to ensure reliability and adequate operating conditions.

4. *Note the results of the public consultation (detailed in Appendix 1 of the officer's report).*
5. *Agree to signalising the pedestrian crossings on Courtenay Place, reducing the speed limit to 30 km/h and banning the right turn from Victoria Street into Manners Street in accordance with the timetable in this report.*
6. (a) *Agree to opening up Manners Mall to two way bus traffic*
 (b) *Note that the New Zealand Transport Agency has confirmed that the \$10.7 million already approved for the Council's bus priority proposals can be used for this project without a requirement for further approvals.*
7. *Note that Manners Mall was established by Council resolution under the Local Government Act 1974.*
8. *Agree to commence the revocation of the 'pedestrian mall' status of Manners Mall and note that a Special Consultative Procedure will be required and reported to Council to approve commencement.*
9. *Note that provision of \$11.1 million for these proposals phased over 3 years starting 2009/2010 is identified in the draft Long Term Council Community Plan.*
10. *Agree to the public space improvements proposed for Dixon, Wakefield, Mercer, Willis and lower Cuba Streets, with lower Cuba Street being a shared space with priority for pedestrian access and amenity.*
11. *Note that further consultation on detailed aspects of the proposals will be undertaken during the preparation of traffic resolutions required to give effect to the changes.*
12. *Agree that the Mayor asks the New Zealand Transport Agency to bring forward work on Ngauranga to Aotea because of the combined benefit to both public transport and the transport network of the project.*

3. **ITEM 115/09P RESOLUTION TO DECLARE A SECTION OF MOUNT VICTORIA TUNNEL AS LEGAL ROAD**
(1215/52/IM) (REPORT 2)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree that the remaining section of the surface of Mount Victoria tunnel (shown as area E on attached drawing 08006-1 in appendix 1 of the officer's report) be declared as road.*
3. *Delegate authority to sign the appropriate legal documents for land owner consent to the Council's Chief Executive Officer.*

4. **ITEM 116/09P WASTE MINIMISATION ACT 2008**
(1215/52/IM) (REPORT 3)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree to a work programme to:*
 - (a) *Complete a Waste Assessment by July 2010*
 - (b) *Prepare a regional draft Waste Management and Minimisation Plan by November 2011 for consultation with the draft Long Term Council Community Plan 2012/22*
 - (c) *Provide for alignment of the Council's bylaws to ensure information gathering, enforcement and compliance obligations, and the Council's waste management and minimisation objectives, can be met.*
3. *Agree and support a regional approach to waste management and minimisation to achieve the objectives of the Waste Minimisation Act 2008.*
4. *Note that the Waste Management and Minimisation Plan will detail how the levy funds are to be allocated.*

5. **ITEM 117/09P CARTER OBSERVATORY: COMPLETION OF REDEVELOPMENT**
(1215/52/IM) (REPORT 5)

THAT the Strategy and Policy Committee:

1. *Receive the information.*

2. *Note that Council assumed responsibility for the Carter Observatory in December 2007, agreeing to invest \$1.4 million in the Observatory redevelopment plus \$300,000 in ongoing annual OPEX funding, and committing non-financial resources to complete the redevelopment and re-establish operation of the Observatory as a visitor attraction.*
 3. *Note that modelling by Positively Wellington Tourism and the Observatory Director demonstrates that a digital full-dome planetarium provides the best opportunity for sustainable revenues and a high quality visitor attraction at the Observatory.*
 4. *Note that the Pelorus Trust has offered a commitment of \$300,000 to fund the Carter Observatory planetarium auditorium upgrade, contingent on Carter securing funding for the balance of costs for a digital full-dome projection system, and project completion by September 2010.*
 5. *Agree to include the following in the Council's 09/10 Long Term Council Community Plan deliberations:*
 - (a) *The reallocation of \$300,000 from the Cable Car Precinct upgrade project (CX496).*
 - (b) *The allocation of \$200,000 additional CAPEX to fund the purchase of a digital full-dome planetarium projector.*
 - (c) *The Carter Observatory re-opens in Summer 2009/10.*
 6. *Encourage officers to continue pursuing funding opportunities.*
6. **ITEM 118/09P STRATEGY AND POLICY COMMITTEE FORWARD PROGRAMME**
(1215/52/IM) (REPORT 6)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree to the Forward Programme for the Strategy and Policy Committee for the remainder of 2009, attached as Appendix 1 to the officer's report*
3. *Agree that a report seeking approval for Councillor attendance at the Resource Management Law Association Conference be added to the forward programme.*

STRATEGY AND POLICY COMMITTEE**Meeting of Thursday 11 June 2009***(1215/11/IM)**(REPORT 11)*

1. **ITEM 123/09P CENTRE PLANNING FORWARD PROGRAMME**
(1215/52/IM) (REPORT 1)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree to the recommended priorities for the development of centre plans for the five year period from 2009/10 to 2013/14 as follows:*

Year		Centre plan areas
<i>Year 0 (now)</i>	<i>2008/09</i>	<i>Johnsonville (adopted); Adelaide Road (adopted); Newlands; Kilbirnie</i>
<i>Year 1</i>	<i>2009/10</i>	<i>Newlands; Kilbirnie; Central City</i>
<i>Year 2</i>	<i>2010/11</i>	<i>Central City; Miramar Peninsula</i>
<i>Year 3</i>	<i>2011/12</i>	<i>Miramar Peninsula</i>
<i>Year 4</i>	<i>2012/13</i>	<i>Tawa</i>
<i>Year 5</i>	<i>2013/14</i>	<i>Karori</i>

3. *Note that the recommended programme and priorities in recommendation 2 will be reviewed as necessary in response to changing circumstances, place-based opportunities, and/or new emerging priorities.*
4. *Note that completed centre plans will inform future Long Term Council Community Plan prioritisation processes and Asset Management Plan reviews.*
5. *Note that the Public Space and Centre Development Programme (suburban centre upgrades) will be reviewed and aligned to the agreed five year centre planning programme. Any proposed sequencing and/or timing and or scope changes will be included for consideration as part of the 2010/11 and subsequent Annual Plans.*
6. *Note that recommendation 5 allows for consideration of investment in other centres in addition to those centres listed as requiring centre plans in recommendation 2.*
7. *Agree to consider as part of the draft Long Term Council Community Plan 2009-19 deliberations, the bringing forward of the growth spine centres funding for Kilbirnie to 2010/11 (\$220,000) and 2011/12 (\$1.7m) in order to align with the completion of the Kilbirnie Town Centre Plan.*

2. **ITEM 124/09P LOWER SPEED LIMITS IN SUBURBAN SHOPPING CENTRES**
(1215/52/IM) (REPORT 2)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree in principle to lowering the speed limit in the following suburban shopping centres:*

<i>Aro Valley</i>	<i>Kelburn</i>	<i>Ngaio</i>
<i>Berhampore</i>	<i>Khandallah</i>	<i>Northland</i>
<i>Brooklyn</i>	<i>Kilbirnie</i>	<i>Seatoun</i>
<i>Hataitai</i>	<i>Linden</i>	<i>Strathmore</i>
<i>Island Bay</i>	<i>Marsden Village</i>	<i>Tawa</i>
<i>Johnsonville</i>	<i>Miramar</i>	<i>Tinakori shops</i>
<i>Karori</i>	<i>Newlands</i>	<i>Wadestown</i>
3. *Agree that officers will report back to the Strategy and Policy Committee on the principle of lowering the speed limits in areas surrounding schools.*
4. *Agree that officers carry out consultation with the affected communities in accordance with the Wellington Consolidated Bylaw 2008 – Part 6 Speed Limits and report back to the Committee on the results of the consultation*

3. **ITEM 125/09P REVIEW OF SPEED LIMITS BYLAW**
(1215/52/IM) (REPORT 3)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note that the Council is required to review the Wellington City Consolidated Bylaw 2008 Part 6 – Speed Limits by 4 October 2009 pursuant to section 158 of the Local Government Act 2002.*
3. *Note that the Statement of Proposal contains a proposal to include the following in the Wellington City Consolidated Bylaw 2008 Part 6 – Speed Limits:*
 - *Allow the Council to set speed limits of 10km/hr in relation to roads or areas under its control in the district as per the Land Transport Rule: Setting of Speed Limits 2003 (as amended in 2005).*
 - *Allow the Council to set speed limits of 90km/hr on roads in rural areas which may be subject to conditions imposed by the New Zealand Transport Agency by notice in the Gazette as per*

the Land Transport Rule: Setting of Speed Limits 2003 (as amended in 2005).

- *Update the 2004 approved plans to reflect changes made by resolution of the Council over the last five years.*

4. *Authorise the Chief Executive Officer and the Urban Development and Transport Associate Portfolio Leader to make any minor editorial changes to the Statement of Proposal required as a result of the Strategy and Policy Committee deliberation, prior to it being referred to Council.*

5. *See Part A*

4. ***ITEM 126/09P LEISURE CARD AND OVER 65'S***
(1215/52/IM) (REPORT 4)

THAT the Strategy and Policy Committee:

1. *Receive the information.*

2. *See Part A.*

3. *See Part A.*

4. *See Part A.*

5. ***ITEM 128/09P LITTER FINES***
(1215/52/IM) (REPORT 6)

THAT the Strategy and Policy Committee:

1. *Receive the information.*

2. *Note that the Litter Act (1979) requires 14 days public notification of the Council's intention to pass a resolution adopting infringement provisions. If the recommendations are consequently agreed by the Council, then public notification of that is also required before the resolution comes into force.*

3. *See Part A.*

4. *Instruct Council officers to give the necessary 14 days public notification of the proposed resolution in accordance with section 13(2A) of the Litter Act 1979.*

5. *Agree that officers investigate options for powers to be given to Walkwise and Parkwise officers to enforce litter infringements, and report back to the Strategy and Policy Committee.*

6. **ITEM 129/09P MAYORAL TRAVEL 2009 – REPORT BACK**
(1215/52/IM) (REPORT 7)

THAT the Strategy and Policy Committee:

1. *Receive the information.*

7. **ITEM 130/09P REPORT BACK ON WASTEMINZ CONFERENCE**
(1215/52/IM) (REPORT 8)

THAT the Strategy and Policy Committee:

1. *Receive the information.*

STRATEGY AND POLICY COMMITTEE

Meeting of Tuesday 16 June 2009

(1215/11/IM)

(Report 12)

1. **ITEM 141/09P SUMMARY OF CONSULTATION: LONG TERM
COUNCIL COMMUNITY PLAN 2009-19**
(1215/52/IM) (REPORT 1)

THAT the Strategy and Policy Committee:

1. *Receive the information*
2. *Note that a response will be provided to all submitters regarding the matters they raised in their submissions.*
3. *Note that submissions of an operational nature have been provided to relevant officers, who will consider submitter suggestions and respond to these as part of work programmes where appropriate.*
4. *Receive the submissions that were lodged as part of the special consultative procedure for the 2009-19 draft long-term council community plan (previously distributed).*
5. *Agree that after the current review of the Local Government Act 2002 is complete, officers review the level of detailed budget figures to be provided in annual and long term plans including whether comparative figures for the preceding year be included and report to the Strategy and Policy Committee.*

2. **ITEM 142/09P LONG TERM COUNCIL COMMUNITY PLAN 2009-19:
REPORT OF THE HEARINGS SUBCOMMITTEE**
(1215/52/IM) (REPORT 2)

THAT the Strategy and Policy Committee:

1. *Receive the information.*

2. *Note the minutes of the draft Long Term Council Community Plan Hearings Subcommittee meeting of 5 May 2009 (attached at appendix one of the report).*

3. **ITEM 143/09P RESIDENTS' PANEL**
(1215/52/IM) (REPORT 3)

THAT the Strategy and Policy Committee:

1. *Receive the information.*

4. **ITEM 144/09P REPORT OF THE FUNDING AND ACTIVITY REVIEW WORKING PARTY: REVIEW OF SUBMISSIONS – REVENUE AND FINANCING POLICY**
(1215/52/IM) (REPORT 4)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *See Part A.*
3. *See Part A*
4. *See Part A*
5. *See Part A.*
6. *See Part A.*
7. *See Part A.*
8. *Note that the Committee will receive a separate report on 'Healthy Homes Funding Opportunities'.*

5. **ITEM 145/09P DRAFT DEVELOPMENT CONTRIBUTIONS POLICY 2009: REPORT FROM DEVELOPMENT CONTRIBUTIONS SUBCOMMITTEE**
(1215/52/IM) (REPORT 5)

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note that nine submissions were received on the draft Development Contributions Policy 2009 during consultation on the draft 2009/19 Long Term Council Community Plan.*
3. *See Part A.*

4. *Note that further work will be undertaken to examine the growth impacts of industrial developments on infrastructure demand and the potential for establishing a new “industrial development” sub category of the non-residential category, and appropriate contribution rates.*
5. *Note that the schedule of development contribution fees in the draft Development Contributions Policy reflects capital expenditure in the draft 2009/19 Long Term Council Community Plan and that the final schedule of fees will be agreed by Council when the 2009/19 Long Term Council Community Plan capital expenditure budgets are confirmed.*
6. *Agree to the minor financial and administrative corrections and amendments summarised at Appendix One of the officer’s report, and incorporated into the revised draft Policy (Appendix Two of the officer’s report).*

6. ***ITEM 148/09P LONG TERM COUNCIL COMMUNITY PLAN 2009-19: PROMINENT ISSUES AND ADDITIONAL FUNDING REQUESTS (1215/52/IM) (REPORT 6)***

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree the savings proposals (as contained in the draft plan and outlined in appendix 1 of the officer’s report as amended) be included in the 2009-19 long-term council community plan; and:*
 - (a) *Agree that Community ICT (Item 1) identify that \$50,000 of the grants programme be ring-fenced to ensure continued web presence for Wellington City community organisations for the period 2010/19.*
 - (b) *Note that the Community ICT (Item 1) 10 year Long Term Council Community Plan budget has allowed for the transfer of money spent on a web presence and support to the contestable grants pool.*
3. *Agree the new funding requirements that were highlighted in the draft plan (and outlined in appendix 2 of the officer’s report) be included in the 2009-19 long-term council community plan.*
4. *Note the items in appendix 3 of the officer’s report were considered by the Strategy and Policy Committee since the adoption of the draft plan and these have been included in the financial statements provided in report 7.*
5. *Note the response to other prominent matters raised during the consultation period as outlined in appendix 4 of the officer’s report.*

6. *Agree to include the following funding additions in the 2009-19 long-term council community plan:*
- (a) *International Festival of the Arts: addition of \$200,000 opex per year (for the next three years) to maintain operations of the festival at current levels as detailed in appendix (a) of the officer's report).*
 - (b) *Creative Capital Trust: addition of \$75,000 opex in 2009/10 to meet the objectives outlined in appendix (b) of the officer's report.*
 - (c) *Provision of outdoor community space in Churton Park: addition of \$812,500 capex in 2010/11 to for community facilities as detailed in appendix (c) of the officer's report.*
 - (d) *Maori engagement: addition of \$50,000 opex per year to strengthen engagement with Maori and grow Maori cultural festivals as detailed in appendix (d) of the officer's report.*
 - (e) *Growth spine - Adelaide Road Centre: provision (of \$12,568,000) for the acquisition of land, planning and design work for the Adelaide Road Centre as outlined in appendix (e) of the officer's report.*
 - (f) *Marine Education Centre: addition of \$450,000 opex for 2009/10 to fund feasibility as detailed in appendix (f) of the officer's report, conditional on:*
 - (i) *Appointment of a Council officer to the feasibility study steering group (termed by the Trust as the 'Feasibility Study Management Board').*
 - (ii) *Wellington City Council Chief Executive Officer approval of the Steering Group report on the scope and estimated costs of the feasibility study.*
 - (iii) *Drawdown being conditional on the Trust obtaining a matching value of feasibility study funding from other sources.*
 - (iv) *Subject to the Trust acknowledging the clear understanding that there exist no further post-feasibility funding approvals and any further funding from Council (if any) would be conditional upon: funding commitments from other parties to the satisfaction of Wellington City Council, and subject to further decisions at Annual Plan / Long-Term Council Community Plan.*
 - (g) *Positively Wellington Tourism: additional funding of \$2,576,000 over three years (being \$500,000 in 2009/10, and \$1,038,000 in 2010/11 and 2011/12) to continue to grow Australian visitor numbers with conditions as detailed in appendix (g) of the officer's report and with the following additional conditions:*
 - (i) *the additional funding will not be used to subsidise any activities that are the responsibility of Grow Wellington.*
 - (ii) *in the event that matching funding for the initiative is not obtained from external parties, and to the extent that Council generates a cash operating surplus equivalent to the level of funding levied on the downtown ratepayer, the*

Council will consider whether it is financially prudent to carry forward that cash operating surplus to 2010/11 and offset that against the level of rates to be levied against the downtown ratepayers in 2010/11.

- (iii) That at least matching funding referred to in (ii) above is obtained from central government.*
 - (h) Wet Hostel: addition of \$250,000 opex for 2009/10 as a contribution towards the establishment of a wet hostel in Wellington on the following conditions:*
 - (i) That the model is focussed on wrap-around services incorporating health, mental health, addiction, and social and life skills outcomes.*
 - (ii) That the project has an appropriate governance structure.*
 - (iii) That Housing New Zealand provide the accommodation facilities to the trust.*
 - (iv) That the Ministry of Social Development provide support commensurate with other parties.*
 - (v) That the Council contribution is on the basis of the same amount of financial assistance from Capital Coast District Health Board*
 - (vi) That an evaluation be completed before the end of the first year of operation.*
 - (vii) That no further Council funding is to be advanced until a total sustainable funding package is assured and governance structure confirmed.*
 - (viii) That other potential funders be identified.*
 - (ix) That Heads of Agreement be drawn up between the parties.*
 - (i) Agree to include the following additions to the long-term council community plan 2009-19 (all capex):*
 - (i) \$250,000 capex (in 2009/10) and then \$500,000 per annum to progress the strategic cycle walking network. (This is based on the Wellington City Council component of the agreed strategic network including the Great Harbour Way and Tawa-Porirua stream – Middleton Road and routes from the South Coast to the Central Business District).*
 - (ii) Note that a focus on reserves management and community engagement has identified a need to create capacity to better support volunteer management and increase the emphasis on implementing the biodiversity action plan including stream care.*
- 7. Agree that Council provide Premises Management Trust with a letter of comfort in regard to lease arrangements as detailed in appendix (i) of the officer's report.*
- 8. Note that the government's healthy homes initiative will be supported through a targeted rate offered by the Wellington Regional Council as detailed in appendix (j) of the officer's report.*

9. *Decline the new funding requests as detailed in appendices (k) to (q) of the officer's report.*

7. ***ITEM 150/09P 2009-19 LONG TERM COUNCIL COMMUNITY PLAN FOR RECOMMENDATION TO COUNCIL (1215/52/IM) (REPORT 7)***

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note that during the consultation period new funding matters were agreed by the Strategy and Policy Committee (as detailed in Report 6, appendix 3 of the officer's report). These budget changes have been included in the inflation adjusted Funding and Borrowing Statements and Financial Statements as detailed in appendices 1 and 2 of this report.*
3. *Agree that the inflation adjusted Funding and Borrowing Statements and Financial Statements as detailed in appendices 1 and 2 be included in the 2009-19 long-term council community plan (noting that any changes arising as part of these deliberations will be incorporated into the final statements presented to Council).*
4. *Agree that, having due regard to the requirements of section 100 of the Local Government Act 2002, the Council's forecasting assumptions and the Revenue and Financing Policy it is financially prudent not to set a level of operating revenue that meets the projected operating expenses of Council.*
5. *See Part A.*
6. *See Part A.*
7. *Agree the project and programme budgets (attached as appendix 5 of the officer's report) and that, subject to the deliberations on the recommended changes to budgets in reports on this agenda, consequential changes will need to be made and that these will be reflected in the activity budgets provided in the final long-term council community plan presented to Council for adoption on 29 June 2009.*
8. (a) *Agree that officers prepare the long-term council community plan 2009-19 (including the associated policies) based on the draft Long-term Council Community Plan 2009-19 and reflect any changes agreed at this meeting of the Strategy and Policy Committee (16 June 2009); and*

- (b) *Delegate to the Chief Executive Officer the authority to make editorial changes that may arise as part of preparing the final long-term council community plan document for Council.*

REGULATORY PROCESSES COMMITTEE

Meeting of Wednesday 10 June 2009

(1215/11/IM)

(REPORT 13)

1. **ITEM 039/09RP MENACING DOG CLASSIFICATION – REPORT BACK TO THE COMMITTEE AS TO THE OUTCOME OF THE OWNER’S RESPONSE TO THE COMMITTEE’S DECISION**
(1215/53/IM) (ORAL REPORT)

THAT the Regulatory Processes Committee:

1. *Acting under delegated authority from Council, issue a final decision to accept the Applicant's objection to the Council's Menacing Dog Classification Notice dated 4 February 2009. The final decision is to rescind the classification of the Applicant's dog, named 'Boris', as menacing pursuant to section 33A of the Dog Control Act 1996 (the Act). The decision is made following the Applicant's agreement to carry out the following conditions in a signed undertaking:*
 - (a) *Commence aversion training for 'Boris' within 21 days.*
 - (b) *Install a containment system (electronic collar/fencing deterrent device) surrounding the back section and part of the front section where the front door is located. Installation to be completed within 21 days.*
 - (c) *Ensure 'Boris' is fully contained in the back part of the section when no-one is at home.*
 - (d) *Install a 'please shut the gate' sign.*
 - (e) *Immediately pay the infringement notice fine which was issued on 17 February 2009.*
2. *Note that the Applicant's signed written undertaking to the above effect was received by Council within the required timeframe outlined in the Committee's interim decision.*

2. **ITEM 040/09RP GRANTING OF A LICENSE FOR A COMMUNITY ORCHARD TO BROOKLYN TRANSITION TOWN INC.**
(1215/53/IM) (REPORT 2)

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Approve subject to the conditions below, the granting of a license to Brooklyn Transition Town Inc under the Local Government Act 2002:*

Location	Term	Annual Rental
<i>Brooklyn walkway Between Harrison St and Garfield St</i>	<i>10 years plus one 10 year right of renewal</i>	<i>\$1, if demanded</i>

Any approval to grant a license is conditional upon:

- (a) Appropriate consultation with iwi;*
- (b) Appropriate consultation in accordance with section 138 of the Local Government Act 2002;*
- (c) There being no objections or sustained objections resulting from the abovementioned consultation or notification.*
- (d) The lessee pays for the legal and advertising costs associated with preparing the license.*

3. **ITEM 041/09RP GRANTING OF A FRESH GROUND LEASE TO WELLINGTON SCOTTISH ATHLETICS CLUB INCORPORATED (1215/53/IM) (REPORT 3)**

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Approve subject to the conditions below, the granting of a new ground lease to Wellington Scottish Athletic Club Incorporated, pursuant to the Reserves Act 1977:*

Location	Term	Annual Rental
<i>Prince of Wales Park, Westland Road, Mount Cook</i>	<i>10 years</i>	<i>\$326 + GST</i>

Any approval to grant a lease is conditional upon:

- (a) Appropriate consultation with iwi.*
- (b) The lease being publicly notified in accordance with section 119 of the Reserves Act 1977 and the appropriate Management Plan.*
- (c) There being no objections or sustained objections resulting from the abovementioned consultation or notification.*
- (d) The lessee pays for the legal and advertising costs associated with preparing the lease.*

COUNCIL CONTROLLED ORGANISATIONS SUBCOMMITTEE

Meeting of Friday 19 June 2009

(1215/11/IM)

(REPORT 14)

1. **ITEM 033/09FM FINAL STATEMENTS OF INTENT FOR COUNCIL CONTROLLED ORGANISATIONS FOR THE YEAR 2009/10**

THAT the Strategy and Policy Committee:

1. *Receive the information.*

2. *Note that following the 20 April 2009 Subcommittee meeting the Chair wrote to the Council Controlled Organisation's requesting changes to be made in their Statements of Intent and that many of these changes have been included in the final Statement of Intent.*
3. *Note that the usual practice is for the Strategy and Policy Committee to approve Statement of Intent's however, given that there are no more Strategy and Policy Committee meetings before 30 June 2009, officers advise that the Subcommittee should make its recommendations direct to Council.*
4. *See Part A.*
5. *See Part A.*
6. *See Part A.*
7. *See Part A.*
8. *Note that Positively Wellington Tourism will report back to the Council before the end of June 2009 to update officers on the status of the Karori Wildlife Sanctuary's marketing plan for the opening of the Visitor Centre.*
9. *Note that Positively Wellington Tourism is approaching the Council with a new initiative funding request to invest in the Australian market; this request will be considered as part of the Long Term Council Community Plan deliberations, and any Council commitment would be contingent on at least an equivalent amount of funding being received from external funding sources.*
10. *See Part A.*

088/09C **QUESTIONS**
(1215/11/IM)

NOTED:

There were no questions.

089/09C **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/11/IM)

Moved Mayor Prendergast, seconded Councillor Wain the motion to exclude the public.

(Councillor Pepperell left the meeting at 7.39pm.)

The motion was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 13:0

The motion was declared CARRIED.**RESOLVED:**

THAT Council:

1. *Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:*

Report 15 - Appointment of Trustees

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)(a) to protect the privacy of natural persons

Report 16 - Regulatory Processes Committee, Meeting of Wednesday 10 June 2009

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.

- 2. Permit Craig Stevens from DLA Phillips Fox to remain at this meeting, after the public has been excluded because of his knowledge of Report 15 – Appointment of Trustees and Report 16 - Regulatory Processes Committee, Meeting of Wednesday 10 June 2009 as this knowledge, may be of assistance in relation to the matter being discussed.*

The meeting went into public excluded session at 7.39pm.

(Councillor Pepperell returned to the meeting at 7.41pm.)

For items 090/09C and 091/09C, please see the public excluded minutes.

The meeting concluded at 8.04pm.

Confirmed: _____
Chair
/ /