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**MINUTES**

**WEDNESDAY 13 MAY 2009**

**1.00PM**

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

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**PRESENT:**

Councillor Gill (Chair)  
Councillor Best  
Councillor Cook (1.00 – 2.48pm)  
Councillor Pannett

**APOLOGIES:**

Mayor Prendergast  
Councillor Goulden  
Councillor Wain

019/09RP **APOLOGIES**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Accept apologies for absence from Mayor Prendergast and Councillors Goulden and Wain.*

020/09RP **MINUTES FOR CONFIRMATION**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Approve the minutes of the meeting held on Wednesday 8 April 2009 having been circulated, and agree that they be taken as an accurate record of that meeting.*

021/09RP **CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

There were no conflicts of interest.

022/09RP **PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

There was no public participation.

023/09RP **DOG CONTROL ACT 1996 – OBJECTION TO OFFICER’S  
MENACING CLASSIFICATION DECISION**  
Report of Richard Natusch, Animal Control Team Leader  
(1215/53/IM) (REPORT 1)

**NOTED:**

The Committee heard evidence from Richard Natusch, Animal Control Team Leader, the complainant Ngaire Bennie and the dog owner Matthew McClelland. Questions were asked of all parties.

The Chair advised that the meeting would adjourn the item and consider the evidence presented by the complainant and owner later in the meeting during a public excluded session. For the final decision on the matter please see 032/09RP.

024/09RP **GRANTING OF A NEW GROUND LEASE TO P 8 NT LIMITED**  
Report of Heather Cotton – Property Adviser and Amber Bill – Manager,  
Community Engagement and Reserves.  
(1215/53/IM) (REPORT 2)

**Moved Councillor Best, seconded Councillor Cook the substantive motion.**

**The substantive motion was put and declared CARRIED.**

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Approve subject to the conditions below, the granting of a new ground lease to P 8 NT Limited pursuant to the Local Government Act 2002:*

<b><i>Location</i></b>	<b><i>Term</i></b>	<b><i>Annual Rental</i></b>
<i>Caribbean Reserve, accessed from Caribbean Drive, Grenada North</i>	<i>3 years</i>	<i>\$1,500 + GST</i>

*Any approval to grant a lease is conditional upon:*

- (i) *Appropriate consultation with iwi;*
- (ii) *The lease being publicly notified in accordance with section 138 of the Local Government Act 2002 and the appropriate Management Plan;*
- (iii) *There being no objections or sustained objections resulting from the abovementioned consultation or notification.*
- (iv) *The lessee pays for the legal, advertising, and valuation costs associated with preparing the lease.*

025/09RP **ROAD STOPPING AND DISPOSAL - THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD, PART SEFTON STREET ADJACENT TO 113-117 SEFTON STREET, WADESTOWN**

Report of Charlotte Campbell Lamerton – Property Advisor  
(1215/53/IM)

(REPORT 3)

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

**The substantive motion was put and declared CARRIED.**

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend that the Council resolves to publicly notify that the portion of road adjoining 113 - 117 Sefton Street, Wadestown comprising approximately 596m<sup>2</sup> being Sections 1, 2 & 3 S O 338421 be declared stopped in accordance with the Tenth Schedule of the Local Government Act 1974 (Refer to Appendix 2 of the officer's report).*
3. *Recommend that Council authorises the Chief Executive Officer to finalise the road stopping and complete final terms of sale.*
4. *Note the area to be road stopped Sections 1, 2 & 3 on SO 338421 will be amalgamated with the adjoining land being Lots 1, 2 & 3 DP 24195 respectively held in Computer Freehold Registers WNA3/1367 and WNA3/1366.*

026/09RP **RESOLUTION TO EXCLUDE THE PUBLIC**  
(1215/11/IM)

**Moved Councillor Gill, seconded Councillor Pannett the motion to exclude the public.**

**The motion was put and was declared CARRIED.**

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

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 4 District Plan Change 43 – Heritage Provisions – Victoria University Appeal Mediation*

*Grounds: Section 48(1)(a) that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.*

*Reason: Section 7(2)(g) maintain legal professional privilege.*

*Section 7(2)(i) to enable the Council to carry out negotiations without prejudice or disadvantage.*

*Report 5 District Plan Change 58 – Proposed Additions to Listed Heritage Buildings, Objects and Areas – Resolution of Appeals 223 Willis Street*

*Grounds: Section 48(1)(a) that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.*

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

*Report 1 - Dog Control Act 1996 – Objection to Officer’s Menacing Classification Decision*

*Grounds: Section 48(1)(d) Local Government Official Information and Meetings Act – That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendations in proceedings*

*Section 48(2)(a)(ii) Any proceedings before a local authority where the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.*

2. *Permit Fran Hesp of DLA Phillips Fox to remain after the public has been excluded for Report 1 - Dog Control Act 1996 – Objection to Officer’s Menacing Classification Decision, because of her specialist knowledge of the matter under discussion.*

The meeting went into public excluded session at 2.34pm.

For items 027/09RP, 028/09RP, 030/09RP and 031/09RP, please see the public excluded minutes.

The meeting adjourned at 2.51pm to reconvene at 10.30am on Tuesday 19 May 2009.

The meeting reconvened at 10.31am on Tuesday 19 May 2009.

(Councillors Gill (Chair), Best, Cook, Pannett and Wain were present when the meeting reconvened.)

The meeting adjourned at 10.32am.  
The meeting reconvened at 10.50am.

**PRESENT:**

Councillor Gill  
Councillor Best  
Councillor Cook  
Councillor Pannett

**APOLOGIES:**

Mayor Prendergast  
Councillor Goulden  
Councillor Wain

032/09RP **DOG CONTROL ACT 1996 – OBJECTION TO OFFICER’S  
MENACING CLASSIFICATION DECISION (CONTINUED)**  
Report of Richard Natusch, Animal Control Team Leader.  
(1215/53/IM) (REPORT 1)

**Moved Councillor Gill, seconded Councillor Pannett the substantive motion recommendation 1, an amended recommendation 2 and a new 3.**

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Acting under delegated authority from Council issue an interim decision to accept the applicant’s objection to the Council’s Menacing Dog Classification notice dated 4 February 2009 and rescind the classification of the applicant’s dog, named “Boris” as menacing pursuant to section 33A of the Dog Control Act 1996 (the Act) provided the applicant agree to 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 that "Boris" is fully contained in the back part of the section when the owners are not home.*
  - (c) *Install of a "please shut the gate" sign*
  - (e) *Immediately pay the infringement notice which was issued on 17 February 2009*
3. *Request that officer's report to the Wednesday 10 June 2009 meeting of the Committee on the outcome of the agreement to the conditions imposed by the Committee.*

**NOTED:**

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in **bold**.

The meeting concluded at 11.53am on Tuesday 19 May 2009.

Confirmed: \_\_\_\_\_  
Chair  
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