
MINUTES

WEDNESDAY 23 JUNE 2010

1.02PM – 2.57PM

3.16PM – 4.48PM

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

PRESENT:

Mayor Prendergast	(1.02pm – 2.57pm, 3.16pm – 4.48pm)
Councillor Ahipene-Mercer	(1.02pm – 2.57pm, 3.17pm – 4.48pm)
Councillor Best	(1.02pm – 2.57pm, 3.16pm – 4.28pm, 4.31pm – 4.48pm)
Councillor Cook	(1.02pm – 2.54pm, 2.55pm - 2.57pm, 3.17pm – 4.48pm)
Councillor Coughlan	(1.02pm – 2.57pm, 3.16pm – 4.48pm)
Councillor Foster (Chair)	(2.14pm – 2.57pm, 3.16pm – 4.48pm)
Councillor Gill	(1.02pm – 2.57pm, 3.16pm – 4.48pm)
Councillor Goulden	(1.02pm – 2.57pm, 3.16pm – 4.48pm)
Councillor McKinnon (Deputy Chair)	(1.02pm – 2.57pm, 3.16pm – 4.48pm)
Councillor Morrison	(1.02pm – 2.57pm, 3.16pm – 3.54pm, 3.57pm – 4.48pm)
Councillor Pannett	(1.02pm – 2.57pm, 3.16pm – 4.48pm)
Councillor Pepperell	(1.02pm – 2.57pm, 3.16pm – 4.48pm)
Councillor Ritchie	(1.02pm – 1.08pm, 1.09pm - 2.57pm, 3.16pm – 4.48pm)
Councillor Wade-Brown	(1.02pm – 2.57pm, 3.16pm – 4.48pm)
Councillor Wain	(1.02pm – 2.57pm, 3.16pm – 4.48pm)

APOLOGIES:

Councillor Foster (lateness)

DEMOCRATIC SERVICES OFFICERS IN ATTENDANCE:

Svea Cunliffe-Steel – City Secretary
Maleik Edwards – Committee Adviser

(In the absence of the Chair, Councillor McKinnon Deputy Chair took the Chair)

167/10P **APOLOGIES**
(1215/52/IM)

Moved Councillor McKinnon, seconded Mayor Prendergast the motion that apologies for lateness for Councillor Foster be accepted.

RESOLVED:

THAT the Strategy and Policy Committee:

1. *Accepts apologies for lateness from Councillor Foster.*

168/10P **CONFLICT OF INTEREST DECLARATIONS**
(1215/52/IM)

NOTED:

1. Councillor Morrison declared a conflict in relation to Recommendations 2 and 4 of the Amended Substantive for Report 2 Feedback on the 2010/2011 Draft Waterfront Development Plan and would not take part in voting on these recommendations.

169/10P **PUBLIC PARTICIPATION**
(1215/52/IM)

NOTED:

1. Tom Law addressed the Committee regarding the proposed City-wide Liquor Control Bylaw. Mr Law expressed his concern on the possible effects of enacting liquor bylaws for specific suburbs rather than a city-wide ban.
2. Pauline Swann from Waterfront Watch addressed the Committee regarding the proposed Draft Waterfront Development Plan and the concerns that she and her organization held. She expressed concern at the authors of submissions made to this plan and the possible effects on waterfront open park space subsequent to this development plan.

TABLED : Supplementary Information from Pauline Swann..
Reference 169/10P (a)

(Councillor Ritchie left the meeting at 1.08pm)

(Councillor Ritchie rejoined the meeting at 1.09pm.)

170/10P **DEPUTATION**
(1215/52/IM)

NOTED:

There were no deputations.

171/010P **CITY-WIDE LIQUOR CONTROL BYLAW** (1.17PM – 4.25PM)
– **CONSULTATION PROCESS**
Report of Helen Walker – Manager, Consultation and Engagement.
(1215/52/IM) (REPORT 1)

Moved Councillor Best, seconded Councillor Wade-Brown the substantive motion, amended as follows:

Amended recommendations 6 and 8:

THAT the Strategy and Policy Committee:

6. Agree to the Liquor Control Bylaw **as amended and tabled so that the control area in the Bylaw is the current control area plus Newtown and Mt Cook as shown in the tabled map.**
8. Recommend to Council that it:
 - (a) Note that the Strategy and Policy Committee considered the submissions received in response to the Statement of Proposal for the proposed Liquor Control Bylaw.
 - (b) Resolve to adopt the Liquor Control Bylaw attached as Appendix 1 **as amended**, pursuant to sections 83, 86, 147 and 156 of the Local Government Act 2002.
 - (c) Agree that NZ Bill of Rights Act 1990 implications have been considered for the Liquor Control Bylaw amendments, and that the bylaw is appropriate in accordance with section 155 of the Local Government Act 2002.
 - (d) Resolve that the draft Liquor Control Bylaw (attached as Appendix 1 **as amended**) is part of the Wellington Consolidated Bylaw 2008.
 - (e) Resolve to amend the existing Wellington Consolidated Bylaw 2008 by revoking Part 4 (Liquor Control) and replacing it with the new Part 4 (Liquor Control) attached as Appendix 1 **as amended**, to come into effect at 8am Tuesday 10 August 2010.
 - (f) Agree to amend the Terms of Reference for the Regulatory Processes Committee so that it may hear appeals on officer's decisions to decline permission for an activity that would breach the bylaw.

Moved Mayor Prendergast, seconded Councillor Ritchie the following amendments to Recommendations 6 and 8:

THAT the Strategy and Policy Committee:

6. Agree to the Liquor Control Bylaw **attached as Appendix 1 subject to any amendments arising from this meeting.**

8. Recommend to Council that it:
 - (a) Note that the Strategy and Policy Committee considered the submissions received in response to the Statement of Proposal for the proposed Liquor Control Bylaw.
 - (b) Resolve to adopt the Liquor Control Bylaw **attached as Appendix 1**, pursuant to sections 83, 86, 147 and 156 of the Local Government Act 2002.
 - (c) Agree that NZ Bill of Rights Act 1990 implications have been considered for the Liquor Control Bylaw amendments, and that the bylaw is appropriate in accordance with section 155 of the Local Government Act 2002.
 - (d) Resolve that the draft Liquor Control Bylaw (**attached as Appendix 1**) is part of the Wellington Consolidated Bylaw 2008.
 - (e) Resolve to amend the existing Wellington Consolidated Bylaw 2008 by revoking Part 4 (Liquor Control) and replacing it with the new Part 4 (Liquor Control) **attached as Appendix 1**, to come into effect at 8am Tuesday 10 August 2010.
 - (f) Agree to amend the Terms of Reference for the Regulatory Processes Committee so that it may hear appeals on officer's decisions to decline permission for an activity that would breach the bylaw.

(Councillor Foster joined the meeting at 2.14pm.)

(Councillor Cook left the meeting at 2.54pm.)

(Councillor Cook rejoined the meeting at 2.55pm.)

(The meeting adjourned for afternoon tea at 2.57pm.)

(The meeting reconvened at 3.16pm.)

(Mayor Prendergast and Councillors Best, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain were present when the meeting reconvened.)

(Councillor Foster assumed the chair.)

(Councillors Ahipene-Mercer and Cook rejoined the meeting at 3.17pm.)

(Councillor Morrison left the meeting at 3.54pm.)

(Councillor Morrison rejoined the meeting at 3.57pm.)

The amendment was put and a DIVISION called.

Voting for: Mayor Prendergast and Councillors Cook, Coughlan, Goulden, Morrison and Ritchie.

Voting against: Councillors Ahipene-Mercer, Best, Foster, Gill, McKinnon, Pannett, Pepperell, Wade-Brown and Wain.

Majority Vote: 6:9

The amendment was declared LOST.

The substantive motion as amended, Recommendations 1 to 4 were put and declared CARRIED.

The substantive motion motion as amended, Recommendation 5 was put and CARRIED.

NOTED:

Councillor Pannett requested that her dissenting vote be recorded.

The substantive motion as amended, Recommendation 6 was put and a DIVISION called.

Voting for: Councillors Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Mayors Prendergast and Councillors Ahipene-Mercer, Morrison and Pannett.

Majority Vote: 11:4

The substantive motion as amended, Recommendation 6 was declared CARRIED.

The substantive motion as amended, Recommendation 7 was put and declared CARRIED.

The amended motion, Recommendation 8 (b), (d) and (e) were put and a DIVISION called.

Voting for: Councillors Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Mayors Prendergast and Councillors Ahipene-Mercer, Morrison and Pannett.

Majority Vote: 11:4

The amendment motion, Recommendation 8 (b), (d) and (e) were declared CARRIED.

The amended motion, Recommendation 8 (c) was put and CARRIED.

NOTED:

Councillors Ahipene-Mercer and Pannett requested that their dissenting votes be recorded.

The amended motion, Recommendation 8 (f) was put and CARRIED.

NOTED:

Councillors Ahipene-Mercer and Pannett requested that their dissenting votes be recorded.

The amended motion, Recommendation 9 was put and CARRIED.

RESOLVED :

THAT the Strategy and Policy Committee

- 1. Receive the information.*
- 2. Note that 604 written submissions on the proposal to amend the Liquor Control Bylaw were received during the special consultative procedure undertaken in accordance with section 156 of the Local Government Act 2002.*
- 3. Note that 42 oral submissions were heard by the Strategy and Policy Committee on 20 May 2010.*
- 4. Agree that the special consultative procedure has been completed in accordance with sections 83 and 86 of the Local Government Act 2002.*

5. *Agree that NZ Bill of Rights Act 1990 implications have been considered for the Liquor Control Bylaw amendments, and that the bylaw is appropriate in accordance with section 155 of the Local Government Act 2002.*
6. *Agree to the Liquor Control Bylaw as amended and tabled so that the control area in the Bylaw is the current control area plus Newtown and Mt Cook as shown in the tabled map.*
7. *Note that an alcohol management plan will be developed to give an holistic approach to Council's interventions in addressing alcohol issues.*
8. *Recommend to Council that it:*
 - a. *Note that the Strategy and Policy Committee considered the submissions received in response to the Statement of Proposal for the proposed Liquor Control Bylaw.*
 - b. *Resolve to adopt the Liquor Control Bylaw attached as Appendix 1 **as amended**, pursuant to sections 83, 86, 147 and 156 of the Local Government Act 2002.*
 - c. *Agree that NZ Bill of Rights Act 1990 implications have been considered for the Liquor Control Bylaw amendments, and that the bylaw is appropriate in accordance with section 155 of the Local Government Act 2002.*
 - d. *Resolve that the draft Liquor Control Bylaw (attached as Appendix 1 **as amended**) is part of the Wellington Consolidated Bylaw 2008.*
 - e. *Resolve to amend the existing Wellington Consolidated Bylaw 2008 by revoking Part 4 (Liquor Control) and replacing it with the new Part 4 (Liquor Control) attached as Appendix 1 **as amended**, to come into effect at 8am Tuesday 10 August 2010.*
 - f. *Agree to amend the Terms of Reference for the Regulatory Processes Committee so that it may hear appeals on officer's decisions to decline permission for an activity that would breach the bylaw.*
9. *Note that media releases, advertising and signage will be arranged to inform the public of the bylaw coming*

172/010P **FEEDBACK ON THE 2010/2011 DRAFT WATERFRONT DEVELOPMENT PLAN** (4.25PM – 4.48PM)
 Report of Ian Clements – Portfolio Manager, Council Controlled Organisations.
 (1215/52/IM) (REPORT 2)

Moved Councillor Foster, seconded Mayor Prendergast the substantive motion, with amended recommendations 2, 3, 4, 5 & 6 as follows:

THAT the Strategy and Policy Committee:

1. Receive the information
2. **Approve the following projects included in the 2010/11 programme of work, attached as Appendix 4 of the officer's report:**
 - a) **the preparation of a business case to demonstrate the financial viability of the proposed temporary tensile fabric structure,**
 - b) **a feasibility study for the development of the UN Studio design for the transition site.**
3. **Approve the remainder of the 2010/11 programme of work.**
4. **Approve the following projects included within the draft 2010/11 Waterfront Development Plan, attached as Appendix 3 of the officer's report:**
 - a) **the preparation of a business case to demonstrate the financial viability of the proposed temporary tensile structure,**
 - b) **a feasibility study for the development of the UN Studio design for the transition site.**
5. **Approve the remainder of the draft 2010/11 Waterfront Development Plan.**
6. **Note that Wellington Waterfront Ltd will report back to Council with business cases that demonstrate whether or not the tensile fabric structure and the ice-skating rink are financially viable before seeking Council approval to proceed with either project.**
7. Delegate to the Portfolio Leader, Urban Development, the authority to approve any amendments to the 2010/11 Waterfront Development Plan, to reflect the decisions of the Committee.

(Councillor Best left the meeting at 4.28pm.)

(Councillor Best rejoined the meeting at 4.31pm.)

Moved Councillor Pannett, seconded Councillor Wade-Brown the following amendment as a new 2:

THAT the Strategy and Policy Committee:

2. Agree to recommend to Council that the management of the Waterfront be done by Wellington City Council from 1 July 2011 and that the Development Plan for 2010-2011 is amended to reflect that change.

(Councillor Ahipene-Mercer withdrew from the table due to a conflict of interest.)

Moved Mayor Prendergast seconded Councillor Gill the procedural motion that the amendment be put. The procedural motion was put and declared CARRIED.

NOTED :

1. Councillor Ahipene-Mercer declared a conflict of interest in relation to the amendment moved by Councillor Pannett. He advised that he would not vote on the matter.

The amendment was put and a DIVISION called.

Voting for: Councillors Cook, Foster, Pannett, Pepperell, Ritchie and Wade-Brown

Voting against: Mayor Prendergast and Councillors Best, Coughlan, Gill, Goulden, McKinnon, Morrison and Wain.

Majority Vote: 6:8

The amendment was declared LOST.

(Councillor Ahipene-Mercer returned to the table.)

Councillor Wade-Brown seconded Councillor Cook the following amendments.

6. **Agree to withdraw Variation 11.**
7. **Recommend to Council that a new Waterfront Framework be developed in the new triennium, in consultation with the public.**

The amendments were ruled out of order by the Chair for being not directly relevant to the paper under discussion.

The substantive motion as amended, Recommendation 1 was put and CARRIED.

(Councillor Morrison withdrew from the table due to a conflict of interest.)

The substantive motion as amended, Recommendation 2 (a) was put and a DIVISION called.

Voting for: Mayors Prendergast and Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, Goulden, McKinnon, Pannett, Wade-Brown and Wain.

Voting against: Councillors Cook, Pepperell and Ritchie.

Majority Vote: 11:3

The substantive motion as amended, Recommendation 2 (a) was declared CARRIED.

The substantive motion as amended, Recommendation 2 (b) was put and a DIVISION called.

Voting for: Mayors Prendergast and Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, Goulden, McKinnon and Wain.

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

Majority Vote: 9:5

The substantive motion as amended, Recommendation 2 (b) was declared CARRIED.

(Councillor Morrison rejoined the table.)

The substantive motion as amended, Recommendation 3 was put and a DIVISION called.

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

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

Majority Vote: 11:4

The substantive motion as amended, Recommendation 3 was declared CARRIED.

(Councillor Morrison withdrew from the table due to a conflict of interest.)

The substantive motion as amended, Recommendation 4 (a) was put and a DIVISION called.

Voting for: Mayors Prendergast and Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, Goulden, McKinnon, Pannett, Wade-Brown and Wain.

Voting against: Councillors Cook, Pepperell and Ritchie .

Majority Vote: 11:3

The substantive motion as amended Recommendation 4 (a) was declared CARRIED.

The substantive motion as amended, Recommendation 4 (b) was put and a DIVISION called.

Voting for: Mayors Prendergast and Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, Goulden, McKinnon and Wain.

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

Majority Vote: 9:5

The substantive motion as amended, Recommendation 4 (b) was declared CARRIED.

(Councillor Morrison rejoined the table.)

The substantive motion as amended, Recommendation 5 was put and a DIVISION called.

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

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

Majority Vote: 11:4

The substantive motion as amended, Recommendation 5 was declared CARRIED.

The substantive motion as amended, Recommendation 6 was put and declared CARRIED.

The substantive motion as amended, Recommendation 7 was put and declared CARRIED.

RESOLVED :

THAT the Strategy and Policy Committee:

1. *Receive the information*
2. *Approve the following projects included in the 2010/11 programme of work, attached as Appendix 4 of the officer's report:*
 - a) *the preparation of a business case to demonstrate the financial viability of the proposed temporary tensile fabric structure,*
 - b) *a feasibility study for the development of the UN Studio design for the transition site.*
3. *Approve the remainder of the 2010/11 programme of work.*
4. *Approve the following projects included within the draft 2010/11 Waterfront Development Plan, attached as Appendix 3 of the officer's report :*
 - a) *the preparation of a business case to demonstrate the financial viability of the proposed temporary tensile structure,*
 - b) *a feasibility study for the development of the UN Studio design for the transition site.*
5. *Approve the remainder of the draft 2010/11 Waterfront Development Plan.*
6. *Note that Wellington Waterfront Ltd will report back to Council with business cases that demonstrate whether or not the tensile fabric structure and the ice-skating rink are financially viable before seeking Council approval to proceed with either project.*
7. *Delegate to the Portfolio Leader, Urban Development, the authority to approve any amendments to the 2010/11 Waterfront Development Plan, to reflect the decisions of the Committee.*

The meeting closed at 4.48pm.

Confirmed: _____ / /
Chair