

**MINUTES**

**WEDNESDAY 21 FEBRUARY 2007**

**5.32PM**

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

**PRESENT:**

Mayor Prendergast  
Councillor Armstrong  
Councillor Cook  
Councillor Foster  
Councillor Gill  
Councillor Goulden  
Councillor McKinnon  
Councillor Morrison  
Councillor Pepperell  
Councillor Shaw  
Councillor Wade-Brown  
Councillor Wain

**APOLOGIES:**

Councillor Ahipene-Mercer  
Councillor Ritchie  
Councillor Ruben

001/07C **APOLOGIES**  
(1215/11/IM)

**Moved Mayor Prendergast, seconded Councillor Morrison, the motion that Council accept apologies for absence from Councillors Ahipene-Mercer, Ritchie and Ruben.**

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

**RESOLVED:**

*THAT Council:*

- 1. Accept apologies for absence from Councillors Ahipene-Mercer, Ritchie and Ruben.*

002/07C **CONFIRMATION OF MINUTES**  
(1215/11/IM)

**Moved Mayor Prendergast, seconded the motion that Council approve the minutes of the meetings held on Wednesday 29 November 2006 (ordinary meeting), Wednesday 13 December 2006 (ordinary meeting) and Wednesday 13 December 2006 (extraordinary meeting) having been circulated, be taken as read and confirmed as an accurate record of those meetings.**

**The motion was put:**

Voting for: Mayor Prendergast, Councillors Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Pepperell, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

**The motion was declared CARRIED.**

**RESOLVED:**

*THAT Council*

- 1. Approve the minutes of the meeting held on Wednesday 29 November 2006 (ordinary meeting), Wednesday 13 December 2006 (ordinary meeting) and Wednesday 13 December 2006 (extraordinary meeting) having been circulated be taken as a read and confirmed as an accurate record of those meetings.*

003/07C **PUBLIC PARTICIPATION**  
(1215/11/IM)

**NOTED:**

1. John Robinson addressed the meeting regarding Report 2. Strategy and Policy Committee Meeting of Thursday 8 February 2007 Marine Education Centre Funding.

004/07C **ANNOUNCEMENTS BY THE MAYOR**  
(1215/11/IM)

**NOTED:**

There were no announcements from the Mayor.

005/07C **PETITIONS**  
(1215/11/IM)

**NOTED:**

There were no petitions presented.

007/07C **CONFLICT OF INTEREST DECLARATIONS**  
(1215/11/IM)

**NOTED:**

There were no conflicts of interest.

## **General Business**

008/07C **ERECTION OF ADSHEL BUS SHELTERS: HEARING OF OBJECTIONS**

Report of Ross Bly – Special Projects and Electoral Officer.  
(1215/11/IM)

(REPORT 1)

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

**The substantive motion was put:**

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

Voting against: Councillor Pepperell.

Majority Vote: 11:1

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

*THAT Council:*

1. *Receive the information.*
2. *Agree to hold a joint hearing of the Council's resource consent application for the erection of 135 Adshel bus shelters in the city together with any objections that are received against the Council's proposal from affected frontage owners/occupiers, as provided for by section 339 of the Local Government Act 1974.*
3. *Agree that Ian Hutchings, who has already been appointed as the independent commissioner to hear the Council's resource consent application in respect of the erection of these bus shelters, be appointed as an "officer" of the Council for the duration of this hearing to enable him to jointly hear the resource consent application together with any objections received from affected frontage owners/occupiers under section 339 of the Local Government Act 1974.*
4. *Agree that the independent commissioner be delegated the power to hear the objections under section 339 of the Local Government Act 1974 and recommend his findings through to the Council for a final decision.*

Note:

*Because section 339 requires a 'resolution', the actual decision on any objections will have to be made either by a Committee or by the full Council not the Commissioner. Accordingly, the Commissioner is only being delegated the power to hear and recommend.*

## **Reports from Committees - Part A**

### **Committee Decisions requiring Council approval.**

009/07C **STRATEGY AND POLICY COMMITTEE**  
**Meeting of Thursday 8 February 2007**  
(1215/11/IM)

(REPORT 2)

1. **ITEM 009/07P KARORI SANCTUARY AND MARINE**  
**EDUCATION CENTRE FUNDING**  
(1215/52/IM) (REPORT 4)

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

**The substantive motion recommendation 1(a) was put.**

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

Voting against: Councillor Pepperell.

Majority Vote: 11:1

**The substantive motion recommendation 1(a) was declared CARRIED.**

**The substantive motion recommendation 1(b) was put.**

Voting for: Mayor Prendergast, Councillors Armstrong, Cook, Foster, Gill, McKinnon, Morrison, Shaw, Wade-Brown and Wain.

Voting against: Councillor Goulden and Pepperell.

Majority Vote: 10:2

**The substantive motion recommendation 1(b) was declared CARRIED.**

**The substantive motion recommendation 2 was put.**

Voting for: Mayor Prendergast, Councillors Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Pepperell, Shaw, Wade-Brown and Wain.

Voting against: Nil

Majority Vote: 12:0

**The substantive motion recommendation 2 was declared CARRIED.**

**RESOLVED:**

*THAT Council:*

1. *Allocates the funding provided to the*
  - (a) *Karori Wildlife Sanctuary and*
  - (b) *Marine Education Centre, as limited recourse loans.*
2. *Note that, when appropriate, officers will report back to Council for final approval of the funding deeds.*

2. **ITEM 017/07P CONSULTATION AND COMMUNICATION PLAN:  
2007/2008 DRAFT ANNUAL PLAN  
(1215/52/IM) (REPORT 6)**

**Moved Councillor Armstrong, seconded Councillor Shaw the substantive motion.**

**The substantive motion was put:**

Voting for: Mayor Prendergast, Councillors Armstrong, Cook, Foster, Gill, McKinnon, Morrison, Pepperell, Shaw, Wade-Brown and Wain.

Voting against: Councillor Goulden.

Majority Vote: 11:1

**The substantive motion was declared CARRIED.**

**Councillors were asked to nominate a portfolio leader to be chair of the subcommittee.**

**Councillor Shaw was nominated to be the chair.**

**Moved Councillor Armstrong, seconded Councillor Morrison the motion that Councillor Shaw be the Chair of the Draft Annual Plan Hearings Subcommittee.**

**The motion was put:**

Voting for: Mayor Prendergast, Councillors Armstrong, Cook, Gill, McKinnon, Morrison, Pepperell, Shaw and Wain.

Voting against: Councillor Foster, Goulden and Wade-Brown.

Majority Vote: 9:3

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

1. *Agree to establish the Draft Annual Plan Hearings Subcommittee with the terms of reference as follows and that it elect Councillor Shaw as chairperson for the Subcommittee:*

*Draft Annual Plan Hearings Subcommittee*

***Membership:***

*The Subcommittee's membership will consist of those elected members appointed as portfolio leaders.*

***Quorum:***

*4*

***Chair:***

*The Chair will be elected by Council, (Councillor Shaw).*

***Frequency of meetings***

*The Subcommittee will meet on an as required basis.*

***Sunset clause:***

*The Subcommittee will discontinue no later than 27 June 2007.*

***Parent Body:***

*The Subcommittee reports to the Strategy and Policy Committee.*

***General Purpose:***

*The Subcommittee has responsibility to hear submissions on the 2007/08 draft annual plan and report to the Strategy and Policy Committee.*

***Terms of Reference:***

*The Subcommittee will have responsibility and authority to:*

- 1.0 *Accept and hear submissions on Council's 2007/08 draft annual plan and report back to the Strategy and Policy Committee.*

***Delegated Authority***

*The Draft Annual Plan Hearings Subcommittee will have delegated authority to carry out activities within its terms of reference.*

009/07C **STRATEGY AND POLICY COMMITTEE**

**Meeting of Thursday 15 February 2007**

(1215/11/IM)

(REPORT 3)

1. **ITEM 024/07P REVIEW OF WATER BYLAWS**

(1215/52/IM)(REPORT 4)

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

Voting for: Mayor Prendergast, Councillors Armstrong, Foster, Gill, Goulden, McKinnon, Morrison, Shaw, Wade-Brown and Wain.

Voting against: Councillors Cook and Pepperell.

Majority Vote: 10:2

**The substantive motion was declared CARRIED.**

**RESOLVED:**

*THAT Council:*

1. *Agree that the proposals (Appendix A of the report to Council) proceed through the Special Consultative Procedure, as required by sections 86, 87 and 156 of the Local Government Act 2002.*
2. *Agree that the proposed Water Services Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.*
3. *Agree that the proposed Water Services Bylaw is the most appropriate way of addressing the perceived problem of certain private fittings adversely affecting the public water supply network.*

2. **ITEM 026/07P ACCELERATING NOW! LOCAL ACTION: SUSTAINABILITY: ICLEI OCEANIA, MELBOURNE, 1 – 4 MAY 2007**

(1215/52/IM)(REPORT 6)

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

Voting for: Mayor Prendergast, Councillors Cook, Foster, Gill, Goulden, McKinnon, Morrison, Pepperell, Shaw, Wade-Brown and Wain.

Voting against: Councillors Armstrong.

Majority Vote: 11:1

**The substantive motion was declared CARRIED.**

**Councillors were asked to express an interest in attending this Conference.**

**The meeting was advised that Councillor Ahipene-Mercer was interested in attending.**

**Moved Mayor Prendergast, seconded Councillor Shaw, the motion that Councillor Ahipene-Mercer attend the conference.**

Voting for: Mayor Prendergast, Councillors Cook, Foster, Gill, McKinnon, Morrison, Pepperell, Shaw, Wade-Brown and Wain.

Voting against: Councillors Armstrong and Goulden.

Majority Vote: 10:2

**The motion that Councillor Ahipene-Mercer attend the conference was declared CARRIED.**

**RESOLVED:**

*THAT Council:*

1. *Approve the attendance of Councillor Ahipene-Mercer at 'Accelerating Now! Local Action; Sustainability; ICLEI Oceania' to be held in Melbourne 1 – 4 May and agree that the costs associated with attending the conference are met from the Elected Members Budget (GVEM01).*

## **Reports from Committee - Part B Committee decisions for Council to note.**

010/07P **RECEIPT OF INFORMATION FOR NOTING FROM  
COMMITTEES**  
(1215/11/IM)

**Moved Mayor Prendergast seconded Councillor Wain the substantive motion that Council, receive the information for noting from the Regulatory Processes Committee meeting of Wednesday 7 February 2007, Strategy and Policy Committee meetings of Thursday 8 and Thursday 15 February 2007.**

**The substantive motion was put:**

Voting for: Mayor Prendergast, Councillors Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Pepperell, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

**The substantive motion was declared CARRIED.**

**RESOLVED:**

*THAT Council:*

- 1. Receive the information for noting from the Regulatory Processes Committee meeting of Wednesday 7 February 2007, Strategy and Policy Committee meetings of Thursday 8 and Thursday 15 February 2007.*

**REGULATORY PROCESSES COMMITTEE**

**Meeting of Wednesday 7 February 2007**

(1215/53/IM)

(REPORT 4)

- 1. ITEM 006/07RP GRANTING OF FRESH LEASES TO VARIOUS GROUPS OCCUPYING COUNCIL RECREATION RESERVE (WELLINGTON TOWN BELT)**  
(1215/53/IM) (REPORT 1)

*THAT the Regulatory Processes Committee:*

- 1. Receive the information.*

2. *Approve the amendment to the precedent recreation lease to clause 9.2 (or equivalent clause) as recommended at our meeting of 7 February 2007, in accordance with that attached to this resolution.*
3. *Approve the granting of fresh leases to the following groups pursuant to Section 54 of the Reserve Act 1977, and in accordance with Council's Leases Policy for Community and Recreation Groups 2001 and Town Belt Management Plan 1995: Subject to there being no objections or sustained objections.*

<b>Group</b>	<b>Type of lease</b>	<b>Location</b>	<b>Term</b>	<b>Annual rental</b>
Wellington Pistol Club	Ground	Mount Albert Park, Newtown (Town Belt)	10	\$766.00 plus GST No maintenance fee
Wade St Tennis	Ground	Weld Street, Tinakori Hill (Town Belt)	10	\$322.00 plus GST No maintenance fee
Wellington Badminton Assn	Ground	Alexandra Road, Mount Victoria (Town Belt)	10	\$1,065.00 plus GST No maintenance fee
Marist St Pats Rugby Football	Ground	Alexandra Road, Mount Victoria (Town Belt)	10	\$177.00 plus GST No maintenance fee
Scouts Assn. Island Bay	Ground	Dover Street, Island Bay (Town Belt)	5	\$120.00 plus GST No maintenance fee
Mornington Golf Club	Premises	Wakefield Park, Berhampore (Town Belt)	10	\$325.00 plus GST and Maintenance fee
Berhampore Bowling Club	Ground	Municipal Golf Links, Duppa and Stanley Streets, Berhampore (Town Belt)	5+5	\$1,247.00 plus GST No maintenance fee

*Note that approval to grant a fresh lease will be conditional on:*

- (a) *Iwi being consulted;*
- (b) *Each proposed lease being publicly notified in accordance with sections 119 and 120 of the Reserves Act 1977 together with any conditions set out in any approved Management Plans (e.g. Town Belt Management Plan) and no objections being sustained;*
- (c) *Each Group reimbursing Council for any costs incurred in advertising.*

*Please note that Ministerial Consent is not required for these leases as the buildings are located on Town Belt land and Ministerial approval has already been given through the Town Belt Management Plan.*

2. **ITEM 007/07RP GRANTING OF A NEW LEASE TO THE WELLINGTON CADET CENTRE TRUST**  
(1215/53/IM) (REPORT 2)

*THAT the Regulatory Committee:*

1. *Receive the information.*
2. *Agree to grant a new ground lease of 10 years with two further renewals of the same term to the Wellington Cadet Centre Trust for the footprint of the Club Room and Boats shed buildings as depicted on the Boffa Miskell Cog Park Landscape Masterplan (1A-01-003, Revision 04) attached to the officers report as appendix one.*

**STRATEGY AND POLICY COMMITTEE**

**Meeting of Thursday 8 February 2007**

(1215/52/IM)

(REPORT 5)

1. **ITEM 006/07P SUBMISSION ON DRAFT REGIONAL LAND TRANSPORT STRATEGY AND DRAFT REGIONAL PASSENGER TRANSPORT PLAN**  
(1215/52/IM) (REPORT 3)

*THAT that Strategy and Policy Committee:*

1. *Receive the information.*
2. *Approve the submission as amended on the Draft Regional Land Transport Strategy and Draft Regional Passenger Transport Plan, subject to any changes by the Committee.*
3. *Agree to delegate to the Mayor and Chief Executive the authority to make any minor drafting changes necessary before forwarding the submission to Greater Wellington Regional Council.*
4. *Ask officers to work with the Mayor / Transport Portfolio Leader on wording to strengthen our submission to make it clear that the implementation proposals are unaffordable, unprioritised and unsustainable.*

2. **ITEM 011/07P PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT 20 FORUM, WELLINGTON, 1-2 MARCH 2007**  
(1215/52/IM) (REPORT 7)

*THAT that Strategy and Policy Committee:*

1. *Receive the information.*
2. *Approve the attendance of Councillors Foster and Wade-Brown at the 'Parliamentary Commissioner for the Environment 20 Forum' to be held in Wellington 1 – 2 March and agree that the costs associated with attending the meeting are met from the Elected Members Budget (GVEM01).*
3. *Note that there is a Strategy and Policy Committee meeting on 1 March and an Audit Risk Management Subcommittee meeting on 2 March 2007.*
4. *Note that a report back on the meeting will be presented to the Strategy and Policy Committee in accordance with Council policy.*

3. **ITEM 010/07P IMPROVING UTILITIES TO ROAD, MOTORWAY AND RAIL CORRIDORS – THE NEW CONTEXT FORUM**  
(1215/52/IM) (REPORT 8)

*THAT that Strategy and Policy Committee:*

1. *Receive the information.*
2. *Approve the attendance of up to two elected members at the 'Improving Utilities Access to Road, Motorway and Rail Corridors – The New Context' Forum to be held in Wellington 19 February and agree that the costs associated with attending the meeting are met from the Elected Members Budget (GVEM01).*
3. *Note that there is a Councillor Workshop regarding District Plan – Residential Infill and a Capacity Board Meeting on 19 February 2007.*
4. *Note that a report back on the meeting will be presented to the Strategy and Policy Committee in accordance with Council policy.*

4. **ITEM 012/07P NZ WALKING CONFERENCE REPORT BACK**  
(1215/52/IM) (REPORT 9)

*THAT that Strategy and Policy Committee:*

1. *Receive the information.*

**STRATEGY AND POLICY COMMITTEE**  
**Meeting of Thursday 15 February 2007**  
(1215/52/IM)

(REPORT 6)

1. **ITEM 021/07P PROPOSED DISTRICT PLAN CHANGE 54 –  
REZONING OF 178 AND 180 OWHIRO BAY PARADE AND  
PROPOSED DISTRICT PLAN CHANGE 55 – REZONING OF THE  
EX OWHIRO BAY QUARRY SITE  
(1215/52/IM)(REPORT 1)**

*THAT that Strategy and Policy Committee:*

1. *Receive the information.*
2. *Agree to publicly notify Proposed District Plan Change 54 as set out in Appendix 1 of the officers report in accordance with Schedule 1 of the Resource Management Act 1991, subject to the following controls that are to be imposed through the sale process:*
  - a) *Locate the proposed new dwelling at No 180 Owhiro Bay Parade on the eastern half of the section, adjacent to No 178.*
  - b) *Register a legal instrument (encumbrance and/or covenant) in favour of Council, to protect the escarpment (and associated vegetation) on the bush to the rear of 178 and 180 Owhiro Bay Parade as shown in (amended) Appendix 5 as area A.*
  - c) *Register a legal instrument on the western boundary of 180 Owhiro Bay Parade, in favour of Council, to prohibit construction of a residential building as defined in the District Plan and to place controls on the construction of any ancillary buildings and landscaping works as shown in (amended) Appendix 5 as area B.*
  - d) *Impose design controls on the proposed new dwellings to ensure they are in keeping with the size and shape of other residential allotments along Owhiro Bay Parade.*
  - e) *Place height restriction on any future development consistent with the Outer Residential rules.*
3. *Agree to adopt the Section 32 report for Proposed District Plan Change 54 as included in Appendix 2 of the officers report.*
4. *Agree to publicly notify Proposed District Plan Change 55 as set out in Appendix 3 of this report in accordance with Schedule 1 of the Resource Management Act 1991.*
5. *Agree to adopt the Section 32 report for Proposed District Plan Change 55 as included in Appendix 4 of the officers report.*

6. *Agree that Proposed District Plan Change 54 and 55 be publicly notified at the same time.*
7. *Delegate to the Portfolio Spokesperson for Urban Development the authority to approve minor editorial changes to the proposed Plan Changes and associated section 32 reports prior to public notification.*

2. **ITEM 022/07P HERITAGE GRANTS**  
**(1215/52/IM)(REPORT 2)**

*THAT that Strategy and Policy Committee:*

1. *Receive the information.*
2. *Agree to the allocation of grants to applicants in the November 2006 round of the Built Heritage Incentive Fund, as assessed by Council officers.*

3. **ITEM 023/07P DRAFT DISTRICT PLAN CHANGE – EARTHWORKS PROVISIONS**  
**(1215/52/IM)(REPORT 3)**

*THAT that Strategy and Policy Committee:*

1. *Receive the information.*
2. *Agree to consult on the draft plan change as set out at Appendix 1 of the officers report.*
3. *Agree that the results of consultation will be reported to the Committee with recommendations on changes to the draft plan change. This will occur at the same time that approval is sought for public notification of the plan change.*

4. **ITEM 025/07P GENETIC MODIFICATION (GM) - CONSIDERATIONS FOR COUNCIL**  
**(1215/52/IM)(REPORT 5)**

*THAT that Strategy and Policy Committee:*

1. *Receive the information.*
2. *Agree that Wellington City Council be placed on the Environmental Risk Management Authority notification list to actively monitor new organism applications. This will keep the Council informed and allow submissions to be made when appropriate.*

3. *Agree that officers will continue to engage with Mana Whenua over local genetic resources and the cultural knowledge linked to those resources.*

011/07C **QUESTIONS**  
(1215/11/IM)

**NOTED:**

There were no questions.

012/07C **RESOLUTION TO EXCLUDE THE PUBLIC**  
(1215/11/IM)

**Moved Mayor Prendergast, seconded Councillor McKinnon, the motion that the public be excluded.**

**The motion was put:**

Voting for: Mayor Prendergast, Councillors Armstrong, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Pepperell, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

**The motion was declared CARRIED.**

**RESOLVED:**

*THAT Council:*

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

***Report 7: Property for Disposal***

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

