

Minutes of Mt Victoria Residents Association (MVRA) Meeting 11 November 2014

5.30pm at ACE House, 111 Brougham Street, Mt Victoria

Present:

Committee members: Craig Palmer, Ellen Blake, Sue Watt, Judith Graykowski, Kay Jones, Iona Pannett (WCC Councillor), Tim Jones (Save the Basin Campaign - StBC) from 6pm

Apologies:

Grant Burley, Elaine Hampton

1 Minutes of Previous Meeting(s)

(a) Minutes of 5 September were presented.

Moved (Sue/Judith): That minutes of 5 September are accepted.

(b) Minutes of 2 October had been circulated.

Moved (Sue/Judith): That minutes of 2 October are accepted.

2 Matters Arising from the Minutes

(a) MVRA will review the Wellington Town Belt Bill once it has been tabled in Parliament and referred to a Select Committee with a view to making a submission in support of the aims, and suggesting any improvements if needed. There may be a need to check alignment with the Resource Management Act if this is changed.

(b) Online Communications and Website
Action on consolidating MVRA and related groups online presence and communications has not yet happened. A subcommittee for discussions should be set up with input from Grant and Kay.

3 Correspondence

The list of correspondence is listed below:

(a) Correspondence In

13 Oct – email from Sue Kedgley (regional Councillor) inviting MVRA to attend a meeting with Paul Swain, Regional Transport Committee, Paul Bruce and Chris Laidlaw with other local groups to discuss alternatives to the Basin Reserve flyover

20 Oct – email from Sue Kedgley with schedule for meeting on transport issues

23 Oct – email from Tim Jones (StBC) attaching Martin Hanley's (Architecture Centre) pdfs of alternatives to unclutter the Basin Reserve

24 Oct – email from Tim Jones attaching StBC's draft presentation for meeting with Regional Councillors re alternatives to Basin Reserve flyover

5 Nov – email from Denis Boolieris re noise from cleaning trucks during the night

5 Nov – email from Con Anastasiou advising he had spoken to Callum Reid, who

was happy to be instructing solicitor on behalf of MVRA, and to Matthew Palmer who was happy to appear on MVRA's behalf

6 Nov – email from Tim Jones outlining terms of StBC's agreement to joint representation with MVRA and seeking MVRA's agreement to the terms (following email exchanges during their drafting)

7 Nov – exchange of emails between Matthew Palmer QC and Tim Jones regarding MVHS involvement in joint representation

7 Nov – email from Tim Jones to Matthew Palmer and Callum Reid re StBC and MVRA joint representation

10 Nov – email from Callum Reid in response to Tim Jones' email re joint representation

(b) Correspondence Out

16 Oct – email to Sue Kedgley accepting invitation to meeting re alternatives to flyover

21 Oct – email to Grant Robertson, Daran Ponter, Iona Pannett, Martin Hanley (Architecture Centre), Jo Newman, Tim Jones with notes on meeting 6 October on Wellington Transport including Flyover Alternatives

24 Oct – email to Regional Councillors Paul Swain, Sue Kedgley, Paul Bruce and Chris Laidlaw with additional information as follow-up to meeting with them

6 Nov – email to Denis Boolieris with copy to Mt Victoria Newsletter editors re cleaning truck noise

6-7 Nov – various emails with Tim Jones, co-convenor StBC, re joint fundraising letter and joint representation

(c) Actions: The Committee agreed to draft letters on issues (see (i) and (ii) below):

- i. MVRA to write to Greg Orchard, Chief Operations Officer at Wellington City Council (WCC) to clarify the process for public complaints about noise, and other local disturbances. Kay referred to the unclear advice given about police, noise control, and fire service responsibilities when she was concerned about teenagers letting off fireworks at the top of Ellice Street on Guy Fawkes night. There were different views on who to call for which problem who ring, and clear guidance would be helpful. Ellen will draft a letter and circulate it.
- ii. Iona suggested that she could request an update from WCC on landscaping action and copy any reply to MVRA. The Committee noted her offer.

4 Finances

(a) Finances report presented by Sue. Balance of \$3,733 at 10 November. We noted that the receipts and payments details separately identify donations and payments related to the Basin Reserve High Court appeal case.

Moved (Craig/Ellen): That the Finances report is accepted.

- (b) It was noted that Craig and Kay have yet to be added as signatories to the MVRA account, and this should be actioned by early 2015.

5 Discussion of NZTA Appeal to High Court on Basin Bridge BOI Decision

- (a) Tim Jones provided an update on Save the Basin's actions to date on the lodging by NZTA of an Appeal against the decision of the EPA "Basin Bridge" Board of Inquiry to decline the application to build a flyover. The appeal document appears to be in the nature of a "fishing expedition" and is arguing matters of fact instead of restricting the appeal to matters of law. The Judge (Justice Alan McKenzie) may disallow some of the NZTA grounds. At the case management conference (judicial conference), the lawyer Queen's Counsel (QC) Matthew Palmer challenged the NZTA grounds as being too broad. The Judge "had some sympathy with that view" and instructed NZTA to go away and review its application, and re-present it in 2 weeks from that date. The StB lawyer (and any other lawyers recognised by the High Court in respect of this appeal) will review the revised application, and can challenge or agree to the grounds. This should happen before Christmas, and we should also know before Christmas when the appeal itself will be held.
- (b) The MVRA Committee discussed the level of its involvement in opposing the appeal by NZTA, including legal representation, and lines of instruction to lawyers. The Committee discussed representation on an interim case management group to instruct QC Palmer. The initial proposal is that MVRA have one representative on an interim case management group, and that StBC will review the membership when Jo Newman (representing Mt Victoria Historical Society - MVHS) is back. QC Palmer will appear before the High Court with instructing solicitors providing briefs to him.
- (c) In addition to Matthew Palmer representing Save the Basin and MVRA, we understand that the Architecture Centre will have separate legal representation.
- (d) There was discussion of costs and fundraising. The additional costs for MVRA to join with StBC are estimated to be around \$575 to transfer representation from Con Anastasiou to Callum Reid. The overall legal costs of the appeal will need fundraising. There was general agreement to fundraising for joint costs, and for MVRA to at least underwrite additional costs. The filing fee has already been paid to the High Court to register our intention to appear. Tim will check additional costs and report back if they are higher than estimated.
- (e) MVRA has charitable donee status which StBC does not and this may make a difference to some donors. Sue is happy to recommend that donations for MVRA for contributions to the appeal are recognised as being fully compliant with MVRA aims. Sue will record this and will ensure that receipts are issued.
- (f) M Palmer will invoice his costs to STBC monthly, and STB has set up bank account for this.
- (g) MVRA specified that STBC issue invoices to MVRA to facilitate the transfer of funds tagged by donors as being for the costs of the appeal.

6 MVRA Resolution re Basin Reserve flyover High Court case

Following discussion a resolution was put on MVRA representation and costs. The Committee agrees to the following, and to its being the basis of a formal agreement with Save the Basin Campaign Inc. (StBC)":

Moved: (Kay/Sue) That:

- 1) MVRA and STBC will be jointly represented at the High Court case by Matthew Palmer QC;
- 2) MVRA and STBC will use the same instructing solicitor, Callum Reid;
- 3) All instructions to Matthew Palmer QC will be conveyed by the liaison person of the interim Case Management Group (CMG) and subsequently of the Case Management Group. This person will be a member of the STBC organising group (committee);
- 4) MVRA will have one representative on the interim CMG. This person will be able to take part in discussions, but will have observer status within the interim CMG.
- 5) The membership, decision-making process and operation of the interim CMG will be reviewed following the return of Jo Newman (StBC co-convenor), and the MVRA representative may take part in this review. A 'permanent' CMG will then be established, with continued MVRA representation. The liaison person with Matthew Palmer QC will continue to be a member of the STBC organising group (committee)
- 6) MVRA will commit itself to fundraising towards the costs of the joint representation by Matthew Palmer QC, and other related costs. At minimum, MVRA undertakes to cover any additional costs caused by the move to joint representation.

7 MVRA Representative on Appeal Case Management Group

Matthew Palmer has asked that there be only one set of instructions to him so if there are differences of opinion, these would be resolved by case management group. At this point, instructions are only to seek that he commence the High Court process.

Moved (Ellen/Sue): That Craig Palmer, MVRA Interim President, will represent MVRA on the Case Management Group.

Judith and Kay agreed to advise Craig if needed, on background points related to the Board hearings.

8 Wellington East Girls College (WEGC) Building Project

- (a) Wellington East Girls College (WEGC) have advised parents and local residents they will seek resource consent soon to commence a significant building project. The proposal will cover issues relating to access to the building site via Ellice Street,

Austin Street and possibly Austin Terrace.

- (b) WEGC want non-notified resource consent. MVRA would prefer there to be at least limited notification as a minimum as the work would potentially affect or be of interest to not just immediate neighbours, but also those on adjoining roads for construction impacts. There is also interest in how historical features of the building would be addressed. The College has category one historical building protection. We understand the building renovation proposal includes maintaining the facade and undertaking some restoration work to bring back into use previous areas in a style sympathetic to the original design. Some areas will be changed significantly as to function and will include new technology such as Wifi. The project represents a significant investment of money from the Ministry of Education and fundraising and donors.

Action:

- (c) MVRA will write to the CEO of Wellington City Council (WCC), and copy the letter to the Mayor and Councillor Iona Pannett (as building portfolio chair), and possibly the other Lambton Ward councillors as well, that MVRA want at least limited notification on the building proposal. Ellen agreed to draft and circulate the letter.
- (d) MVRA should also suggest to WEGC Principal Sally Haughton that another informal community meeting be held for local residents with more information, and a clearer project timeframe and overview of possible local disturbances like traffic flows. Even if WCC choose a non-notified resource consent process, WEGC could still host meetings. Judith and Kay would like information on local transport impacts, trucks, cars, including times and numbers of vehicles accessing the site. Craig supports the project in general provided there is protection of heritage features. He believes there should be liaison with local community wider than MVRA, and suggests that a monthly meeting at the school could be helpful. Designation of a specified community manager or contact person is also needed.

9 General Business

(a) Suburban Reserves Plan

Sue offered to draft a submission on the suburban reserves plan. She would welcome input on issues.

(b) Swing

There was brief discussion of the accident with a person falling from a swing on the Mt Victoria town belt. There was a suggestion that if the WCC did not continue to remove swings that it would be easier to ensure that ones that were put up were as safe as is feasible. This can be discussed more at a subsequent meeting.

10 Deferred till Next Meeting

Feedback from Meetings and Events:

- (a) Meeting with Regional Councillors on Transport Issues
- (b) Civic Trust "Avenues and Oases" Event
- (c) Miramar Hackathon
- (d) Mt Victoria/Matairangi Town Belt Landscape Master Plan Open Day

Other items

- (e) WCC Project Grants, Other WCC Business, Taskforce Groups?
- (f) Noise, Local Disturbances and Possible Action
- (g) Membership development and Fundraising
- (h) Information Sharing with Other Groups e.g. Other Residents' Associations

11 Next Meeting - 6pm Thursday 4 December

The MVRA Committee agreed that:

- (a) In general it will meet on the 2nd Thursday in the month;
- (b) For December, MVRA will meet on the Thurs 4 December at 6pm;
- (c) Not to have a formal meeting in January, but to have an informal social gathering in late January.

Meeting closed 7.40pm