

---

**MINUTES**

**TUESDAY 15 AUGUST 2006**

**9.19 – 9.20AM**

**12.31 – 1.14PM**

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

---

**PRESENT:**

Councillor Gill (Chair)  
Councillor Armstrong  
Councillor Cook  
Councillor Foster  
Councillor Goulden  
Councillor Morrison  
Councillor Pepperell  
Councillor Wade-Brown

**APOLOGIES:**

Mayor Prendergast

031/06RP **ADJOURNMENT OF MEETING**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Adjourn until the conclusion of the pre meeting session for the Strategy and Policy Committee.*

(The meeting adjourned at 9.20am.)

(The meeting reconvened at 12.31pm.)

(Councillor Foster was present when the meeting reconvened.)

032/06RP **APOLOGIES**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Accept apologies for absence from Mayor Prendergast.*

033/06RP **CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

There were no conflicts of interest declared.

034/06RP **MINUTES FOR CONFIRMATION**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Approve the minutes of the ordinary meeting held on Friday 16 June 2006, having been circulated, be taken as read and confirmed as an accurate record of the meeting.*

035/06RP **PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

There was no public participation.

036/06P **PROPERTY FOR DISPOSAL UNDER THE PUBLIC WORKS ACT 1981 AND THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 58 AND 58A BALFOUR STREET, MORNINGTON**  
Report of Lisa Black – Road Stopping Adviser and Ryan Tozer – Junior Property Adviser, Property and Parking Services.  
(1215/12/IM) (REPORT 1)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT Council:*

1. *Receive the information.*
2. *Pursuant to section 40 of the Public Works Act 1981 and section 342 and section 345 of the Local Government Act 1974:*
  - (a) *Agree that the area of unformed legal road adjoining 58 and 58A Balfour Street, Mornington is not required for a Public Work (Appendix 1).*

*Note: 58 Balfour Street is described as Lot 43 DP 3348, being Computer Freehold Register WN405/263 and 58A Balfour Street is described as Pt Lot 42 DP 3348, being Computer Freehold Register WN509/190.*
  - (b) *Authorise Council officers to commission the section 40 report from suitably qualified consultants to identify whether the land must be offered back to its former owner or their successor, or whether an exemption from offer back applies.*
3. *Notes that once the section 40 report has been received, a report will be presented to the Chief Executive Officer for approval under delegated authority to either offer the land back to its former owner or their successor, or to approve the exemption from offer back.*
4. *Approves in principle the proposed road stopping provided:*
  - (a) *all statutory and Council requirements are met, and*
  - (b) *no objections to the stopping are received.*
5. *Notes that if objections are received and the proponent wishes to continue with the road stopping, a further report will be presented to Committee for consideration.*
6. *Authorises the Chief Executive Officer to negotiate and complete terms of sale.*

037/06P

**PROPERTY FOR DISPOSAL UNDER THE PUBLIC WORKS ACT 1981 AND THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 69 PITT STREET, WADESTOWN**

Report of Lisa Black – Road Stopping Adviser and Ryan Tozer – Junior Property Adviser, Property and Parking Services.

(1215/12/IM)

(REPORT 2)

**RESOLVED AND RECOMMENDED TO COUNCIL:***THAT Council:*

1. *Receive the information.*
2. *Recommends that the Council, pursuant to section 40 of the Public Works Act 1981 and section 342 and section 345 of the Local Government Act 1974:*
  - (a) *Agree that the land adjoining 69 Pitt Street, Wadestown (being approximately 80m<sup>2</sup> as outlined on the aerial photograph in Appendix 1) is exempt from offer-back based on section 40 (2) and section 40 (4) of the Public Works Act 1981, and advice received from Land Information New Zealand accredited agents. Note: 69 Pitt Street is described as Pt Lot 1-2 DP 2524, being Computer Freehold Register WN298/213.*
  - (b) *Authorise Council officers to proceed with the road stopping and sale process under section 342 and 345 of the Local Government Act 2002.*
3. *Recommends that the Council approves in principle the proposed road stopping provided:*
  - (a) *all statutory and Council requirements are met, and*
  - (b) *no objections to the stopping are received.*
4. *Notes that if objections are received and the proponent wishes to continue with the road stopping, a further report will be presented to Committee for consideration.*
5. *Recommends that the Council authorises the Chief Executive Officer to negotiate and complete terms of sale.*

038/06P

**PROPERTY FOR DISPOSAL UNDER THE PUBLIC WORKS ACT 1981 AND THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 122 & 128 EVANS BAY PARADE, ROSENEATH**

Report of Report of Lisa Black – Road Stopping Adviser, Property and Parking Services.

(1215/12/IM)

(REPORT 3)

**RESOLVED AND RECOMMENDED TO COUNCIL:***THAT Council:*

1. *Receive the information.*
2. *Pursuant to section 40 of the Public Works Act 1981, and section 342 and section 345 and the Tenth Schedule of the Local Government Act 1974:*

- (a) *Agree that the area of unformed legal road adjoining 122 & 128 Evans Bay Parade is not required for a Public Work (Appendix 1).*

*Note: 122 Evans Bay Parade is described as Lot 4 DP 7138, being Computer Freehold Register WN358/199 and 128 Evans Bay Parade is described as Lot 5 DP 7138, being Computer Freehold Register WN479/291.*

- (b) *Authorise Council officers to commission the section 40 report from suitably qualified consultants to identify whether the land must be offered back to its former owner or their successor, or whether an exemption from offer back applies.*
3. *Notes that once the section 40 report has been received, a report will be presented to the Chief Executive Officer for approval under delegated authority to either offer the land back to its former owner or their successor, or to approve the exemption from offer back.*
4. *Approves in principle the proposed road stopping provided:*  
 (a) *all statutory and Council requirements are met, and*  
 (b) *no objections to the stopping are received.*
5. *Notes that if objections are received and the proponent wishes to continue with the road stopping, a further report will be presented to Committee for consideration.*
6. *Authorises the Chief Executive Officer to negotiate and complete terms of sale.*

039/06RP **RESOLUTION TO EXCLUDE THE PUBLIC**  
 (1215/53/IM)

**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 33 – Mediation of Appeal from Bellevue Lands Ltd and Ngaio Forest Suburb Ltd**

**Grounds:** Section 48(1)(a) *Local Government Official Information and Meetings Act – that public conduct of this item*

*would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7.*

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

The meeting went into public excluded session at 12.35pm.

For 040/06RP, please see the public excluded minutes.

The meeting concluded at 1.14pm.

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