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**MINUTES**

**WEDNESDAY 8 SEPTEMBER 2010**

**1.00PM – 1.33PM  
(1.03PM – 1.33PM PUBLIC EXCLUDED)**

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

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**PRESENT:**

Councillor Gill (Chair) (1.00pm – 1.31pm, 1.32pm - 1.33pm)  
Councillor Best (1.00pm – 1.33pm)  
Councillor Cook (1.00pm – 1.33pm)  
Councillor Goulden (Deputy Chair) (1.01pm – 1.33pm)  
Councillor Pannett (1.00pm – 1.33pm)  
Councillor Wain (1.00pm – 1.33pm)

**APOLOGIES:**

Mayor Prendergast

**DEMOCRATIC SERVICES OFFICER IN ATTENDANCE:**

Fiona Dunlop – Committee Adviser

057/10RP **APOLOGIES**  
(1215/53/IM)

**Moved Councillor Gill, seconded Councillor Cook, the motion that  
apologies for absence be accepted from Mayor Prendergast.**

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

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

058/10RP **MINUTES FOR CONFIRMATION**  
(1215/53/IM)

**Moved Councillor Gill, seconded Councillor Best, the motion that the Regulatory Processes Committee approve the minutes of the meeting held on Wednesday 11 August 2010 having been circulated, be taken as an accurate record of that meeting.**

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Approve the minutes of the meeting held on Wednesday 11 August 2010 having been circulated, be taken as an accurate record of that meeting.*

059/10RP **CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

Councillor Gill advised that she had a conflict of interest in relation to Report 4, District Plan Change 30 – Rezoning. She advised that she would not take part in debate or voting on the matter.

060/10RP **PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

There was no public participation.

061/10C **AIRSPACE ROAD STOPPING AND DISPOSAL UNDER THE  
PUBLIC WORKS ACT 1981, ADJOINING 1-15 PIPITEA STREET,  
THORNDON (1.00PM – 1.03PM)**  
Report of Jon Moser - Property Advisor, Projects.  
(1215/53/IM) (REPORT 1)

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

(Councillor Goulden joined the meeting at 1.01pm.)

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend that Council:*
  - (a) *Agree that the area of road airspace (refer to the blue highlighted areas in Appendix one of the officer's report), adjoining 1-15 Pipitea Street Thorndon, is no longer required for a Public Work.*
  - (b) *Authorise Council officers to commission a section 40 report from a suitably qualified consultant to identify whether the road airspace must be offered back to its former owner or their successor, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4) of the Public Works Act 1981. Refer to Appendix two of the officer's report.*
  - (c) *Consent to the road stopping under sections 116-121 of the Public Works Act 1981 both as the owner of the road and as the Territorial Authority.*
  - (d) *Delegate to the Chief Executive Officer the power to either offer the airspace back to its former owner or their successor, or to approve the exercise of an exemption from offer back under section 40(2), 40(3) or 40(4) (if appropriate), once the section 40 report has been received.*
  - (e) *Delegate to the Chief Executive Officer the power to;*
    - (i) *negotiate the terms of sale and enter into a sale and purchase agreement in respect of the airspace stopped road, either with the former owner or their successor, or the owner of the adjoining Land.*
    - (ii) *request the Minister of Lands to stop the legal road air space and undertake all necessary action to give effect to the sale.*

062/10RP **RESOLUTION TO EXCLUDE THE PUBLIC**  
(1215/53/IM)

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

**The motion was put and 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 2 - District Plan Change 43 - Heritage Review*

*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 3 - District Plan Change 74 – Telecommunication Structures*

*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 4 - District Plan Change 30 - Rezoning*

*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*

The meeting went into public excluded session at 1.03pm.

For items 063/10RP, 064/10RP and 065/10RP please see the public excluded minutes.

The meeting concluded at 1.33pm.

Confirmed: \_\_\_\_\_  
Mayor  
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Confirmed: \_\_\_\_\_  
Chief Executive Officer  
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