

**MINUTES**

**WEDNESDAY 21 MARCH 2012**

**9.17AM - 10.20AM  
(10.00AM - 10.11AM - PUBLIC EXCLUDED)**

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

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**PRESENT:**

Councillor Gill (Chair) (9.17am - 10.20am)  
Councillor Best (9.17am - 10.20am)  
Councillor Foster (9.20am - 10.20am)  
Councillor Lester (9.17am - 10.20am)  
Councillor Pepperell (9.24am - 9.28am, 9.29am - 10.20am)

**APOLOGIES:**

Mayor Wade-Brown  
Councillor Morrison

**IN ATTENDANCE:**

Councillor Pannett (9.21am - 9.56am, 9.57am - 10.15am)

**DEMOCRATIC SERVICES OFFICERS IN ATTENDANCE:**

Fiona Dunlop - Committee Advisor

014/12RP **APOLOGIES**  
(1215/53/IM)

**Moved Councillor Gill, seconded Councillor Best, the motion that the Regulatory Processes Committee receive apologies for absence from Mayor Wade-Brown and Councillor Morrison.**

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Receive apologies for absence from Mayor Wade-Brown and Councillor Morrison.*

015/12RP **MINUTES FOR CONFIRMATION**  
(1215/53/IM)

**Moved Councillor Gill, seconded Councillor Lester, the motion that the Regulatory Processes Committee approve the minutes of the meeting held on ordinary meeting of Tuesday 14 February 2012 having been circulated, be taken as an accurate record of that meeting.**

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Approve the minutes of the meeting held on ordinary meeting of Tuesday 14 February 2012 having been circulated, be taken as an accurate record of that meeting.*

016/12RP **CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

There were no conflicts of interest declared.

017/12RP **PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

There was no public participation.

018/12RP **PROPOSED ROAD CLOSURES – 15 APRIL 2012 TO 24 JUNE 2012**

Report of Gail Reeves - Street Activities Co-ordinator.

(1215/53/IM)

(REPORT 1)

**Moved Councillor Best, seconded Councillor Lester, the substantive motion with a change to recommendation 3(a)(iii) as follows:**

THAT the Regulatory Processes Committee:

3. Agree to close the following roads for the events as shown (**as amended**), to vehicles only, subject to the conditions listed in the Proposed Temporary Road Closure Impact Reports:
  - (a) For the Real Women's Duathlon event, Sunday 15 April 2012, from 6am to 10am:
    - (iii) Maida Vale Road (between ~~Grafton~~ **Grafton** ~~Crafton~~ Road to Evans Bay Parade)

**The substantive motion with a change to recommendation 3(a)(iii) was put and declared CARRIED.**

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Note that recommendations in this report should not be amended without first carrying out further consultation with affected parties and verification from the Council's Traffic Engineer that the amendment is not likely to cause unreasonable impact on traffic.*
3. *Agree to close the following roads for the events as shown (**as amended**), to vehicles only, subject to the conditions listed in the Proposed Temporary Road Closure Impact Reports:*
  - (a) *For the Real Women's Duathlon event, Sunday 15 April 2012, from 6am to 10am:*
    - (i) *Oriental Parade (between Carlton Gore Road and Evans Bay Parade)*
    - (ii) *Evans Bay Parade (between Oriental Parade and Cobham Drive)*
    - (iii) *Maida Vale Road (between **Grafton** ~~Crafton~~ Road to Evans Bay Parade)*
    - (iv) *Rata Road (between Kainui Road and Evans Bay Parade)*
    - (v) *Belvedere Road (between Overtoun Terrace and Evans Bay Parade)*
    - (vi) *Note: local and resident vehicle access only within the closures; and*

- (b) *For the London 2012 Olympic Games: 100 Days of Go event, Wednesday 18 April 2012, from 9am to 3.30pm:*
- (i) *Hill Street (between Tinakori Road and Molesworth Street)*
  - (ii) *Guilford Terrace (all of Guilford terrace)*
  - (iii) *Note: local and resident vehicle access only to areas within the road closures – including to Parliament Street, Selwyn Terrace and Eccleston Hill ; and*
- (c) *For the ANZAC Day Commemorations events, Wednesday 25 April 2012:*
- (i) *Bunny Street (between Featherston Street and Lambton Quay), from 5am to 6.30am*
  - (ii) *Lambton Quay (between Bunny Street and Ballance Street), from 5am to 6.30am*
  - (iii) *Bowen Street (between The Terrace and Lambton Quay), from 5am to 6.30am*
  - (iv) *Whitmore Street (between Stout Street and Lambton Quay), from 5am to 6.30am*
  - (v) *Molesworth Street (between Lambton Quay/Bunny Street intersection and Hill Street), from 10.15am to 10.45am – access for buses to remain open*
  - (vi) *Lambton Quay (northbound side between the Cenotaph and Molesworth Street), from 10.15am to 10.45am – access for buses to remain open; and*
- (d) *For the Armstrong Motor Group Wellington Marathon event, Sunday 24 June 2012, from 8am to 11am:*
- (i) *Shelly Bay Road (between Miramar Avenue and Massey Road)*
  - (ii) *Massey Road (between Shelly Bay Road and just north of Scorching Bay Reserve)*
  - (iii) *Note: the following roads will remain open but will be used for traffic safety measures such as lane closures, one-way systems, marshalled access and parking restrictions: Waterloo Quay, Customhouse Quay, Jervois Quay and Cable Street, from 6am to 10am; Oriental Parade, Herd Street and Evans Bay Parade, from 7am to 11am.*

**NOTED:**

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in **bold** and deleted the text with ~~strikethrough~~.

019/12RP **ROAD STOPPING AND DISPOSAL: LEGAL ROAD BETWEEN 9 AND 25 VOLTAIRE STREET, KARORI**

Report of John Vriens, Senior Property Advisor, Property Services.  
(1215/53/IM)

(REPORT 2)

(Councillor Foster joined the meeting at 9.20am.)  
(Councillor Pannett joined the meeting at 9.21am.)

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

(Councillor Pepperell joined the meeting at 9.24am.)  
(Councillor Pepperell left the meeting at 9.28am.)  
(Councillor Pepperell returned to the meeting at 9.29am.)

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend that the Council, pursuant to section 40 of the Public Works Act 1981:*
  - (a) *Agree that approximately 1,141m<sup>2</sup> (subject to survey) of unformed road (Road Land) situated between 9 and 25 Voltaire Street, Karori is not required for a public work.*
  - (b) *Authorise Council officers to commission a section 40 report from suitably qualified consultants to identify whether the Road Land 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.*
  - (c) *Delegate to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) of the Public Works Act 1981 (if appropriate).*
3. *Recommend that the Council:*
  - (a) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*

- (b) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road subject to all statutory and Council requirements being met and no objections being received.*
  - (c) *Approve the disposal of the Road Land (subject to the proposed road stopping being successful).*
  - (d) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of Road Land situated between 9 and 25 Voltaire Street, Karori, either with the former owner, or their successor, or the Port Nicholson Block Settlement Trust, or Ngati Toa, or the successful purchaser following the Road Land being marketed for sale.*
4. *Note that if objections are received to the road stopping public notice, a further report will be presented to the Committee for consideration.*

020/12RP **ROAD STOPPING AND DISPOSAL - LEGAL ROAD SEATOUN SCOUT HALL, 36 FERRY STREET, SEATOUN (FORRES STREET)**  
 Report of Rosalind Luxford, Property Advisor, Property Services.  
 (1215/53/IM) (REPORT 3)

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

**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 approximately 512m<sup>2</sup> (subject to survey) of unformed legal road land at 36 Ferry Street, Seatoun is not required for a Public Work.*
  - (b) *Subject to public consultation, approves the disposal of the Road Land described as approximately 512m<sup>2</sup> (subject to survey) of unformed legal road at 36 Ferry Street, Seatoun, including disposal of the building on the site known as the Seatoun Scout Hall "as is", subject to conditions (to be imposed*

*on any development of the site) in recognition of and for the purpose of preserving its heritage status.*

- (c) *Delegate to the Chief Executive Officer the power to either offer the Road Land 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) of the Public Works Act 1981 (if appropriate).*
  - (d) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*
  - (e) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road, subject to all statutory and Council requirements being met and no objections being received.*
  - (f) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the Road Land and Hall, either with the former owner or their successor, or on the open market, provided any such agreement is conditional upon the road being stopped.*
3. *Note that if objections are received and the Council wishes to continue with the road stopping, a further report will be presented to the Committee for consideration.*

**NOTED:**

**TABLED INFORMATION:** Appendices 2 and 3 of the report.  
Reference 020/12RP(a).

021/12RP **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 2 LOWER WATT STREET, WADESTOWN**  
Report of Rosalind Luxford, Property Advisor, Property Services.  
(1215/53/IM) (REPORT 4)

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

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. *Receive the information.*

2. *Recommend to Council that it:*

- (a) *Agree that the area of approximately 161m<sup>2</sup> (subject to survey) of unformed legal road adjoining 2 Lower Watt Street, Wadestown is not required for a Public Work.*
- (b) *Approve the disposal of approximately 161m<sup>2</sup> of unformed legal road land adjoining 2 Lower Watt Street, Wadestown to the owners of that property.*
- (c) *Authorise Council officers to undertake or commission from suitably qualified consultants a section 40 Public Works Act 1981 report to identify whether the area of unformed legal road land must be offered back to its former owner or their successor, or whether exemptions from offer back applies.*
- (d) *Delegate to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) Public Works Act (if appropriate).*
- (e) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
- (f) *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the area of unformed legal road land stopped as road, subject to all statutory and Council requirements being met with no objections being received.*
- (g) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the unformed legal road land adjoining 2 Lower Watt Street, Wadestown, either with the former owner, or their successor, or the owner of 2 Lower Watt Street, Wadestown, provided any such agreement is conditional upon the road being stopped.*

022/12RP **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 50 AND 52 MCKINLEY CRESCENT, BROOKLYN**  
 Report of Paul Davidson - Property Advisor.  
 (1215/53/IM) (REPORT 5)

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



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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend to Council that it:*
  - (a) *Agree that approximately 94m<sup>2</sup> (subject to survey) area of unformed legal road land adjoining 50 and 52 McKinley Crescent, Brooklyn, is not required for a Public Work.*
  - (b) *Approve the disposal of approximately 12m<sup>2</sup> (subject to survey) area of unformed legal road land adjoining 50 McKinley Crescent, Brooklyn, to the owner of that property for amalgamation with their existing title,*
  - (c) *Authorise Council officers to commission a section 40 report to identify whether approximately 94m<sup>2</sup> (subject to survey) area of Road Land, must be offered back to the former owner(s) or their successor(s), or whether exemptions from offer back applies under section 40(2), 40(3), or 40(4) of the Public Works Act 1981.*
  - (d) *Delegate to the Chief Executive Officer the power to either offer approximately 12m<sup>2</sup> (subject to survey) area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) the Public Works Act 1981 (if appropriate).*
  - (e) *Authorise Council officers to initiate the road stopping process for approximately 94m<sup>2</sup> (subject to survey) area of Road Land in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
  - (f) *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the Road Land stopped as road, subject to all statutory and Council requirements being met with no objections being received.*
  - (g) *Approve the stopping and amalgamation of approximately 82m<sup>2</sup> (subject to survey) of Road Land with the adjoining property at 52 McKinley Crescent.*
  - (h) *Delegate to the Chief Executive Office the power to negotiate the terms of sale of approximately 12m<sup>2</sup> (subject to survey) area*

*of Road Land to 50 McKinley Crescent, Brooklyn, provided any such agreement is conditional upon the road land being stopped.*

3. *Note that if objections are received to the road stopping public notice, a further report will be presented to the Committee for consideration.*

023/12RP **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING  
45 MOXHAM AVENUE, HATAITAI**  
Report of Paul Davidson - Property Advisor.  
(1215/53/IM) (REPORT 6)

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

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend to Council that it:*
  - (a) *Agree that approximately 26m<sup>2</sup> (subject to survey) of unformed legal road land adjoining 45 Moxham Avenue, Hataitai, is not required for a Public Work.*
  - (b) *Approve the disposal of the approximately 26m<sup>2</sup> of unformed legal road land adjoining 45 Moxham Avenue, Hataitai, to the owner of that property.*
  - (c) *Authorise Council officers to undertake a section 40 Public Works Act 1981 report to identify whether the area of unformed legal road land must be offered back to its former owner or their successor, or whether exemptions from offer back applies.*
  - (d) *Delegate to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) of the Public Works Act 1981 (if appropriate).*
  - (e) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with the Public Works Act 1981.*

- (f) *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the area of unformed legal road land stopped as road, subject to all statutory and Council requirements being met with no objections being received.*
- (g) *Delegate to the Chief Executive Office the power to complete the terms of sale, impose any reasonable covenants, in respect of the unformed legal road land adjoining 45 Moxham Avenue, either with the former owner, or their successor, or the owner of 45 Moxham Avenue, provided any such agreement is conditional upon the road being stopped.*

024/12RP **DECISION ON OBJECTIONS TO THE PROPOSED ROAD STOPPING AND DISPOSAL: LEGAL ROAD ADJOINING 62 WELD STREET, WADESTOWN**

Report of Paul Davidson - Property Advisor.  
(1215/53/IM)

(REPORT 7)

**NOTED:**

The Committee commenced discussion on the report. Officers advised that they required to seek further information and would be in a position to report back to the Committee later in the meeting.

(Councillor Pannett left the meeting at 9.56am.)

(Councillor Pannett returned to the meeting at 9.57pm.)

See 027/12RP for the final decision on the item.

025/12RP **RESOLUTION TO EXCLUDE THE PUBLIC**  
(1215/53/IM)

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

**The motion to exclude the public 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 8 - District Plan Changes 72 and 73 – Residential and Suburban Centre Reviews – Environment Court Appeal – New Zealand Transport Agency – Mediation*

*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 10.00am.

For item 026/12RP please see the public excluded minutes.

The meeting returned to open session at 10.11am.)

**027/12RP DECISION ON OBJECTIONS TO THE PROPOSED ROAD STOPPING AND DISPOSAL: LEGAL ROAD ADJOINING 62 WELD STREET, WADESTOWN (CONTINUED)**

Report of Paul Davidson - Property Advisor.  
(1215/53/IM)

(REPORT 7)

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

(Councillor Pannett left the meeting at 10.15am.)

**The substantive motion was put and declared CARRIED. (Councillors Pepperell and Foster requested that their dissenting votes be recorded.)**

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend to Council that it:*
  - (a) *Not uphold the objections from Wadestown School's Road and Safety Committee, and Mr Kieran Simon to the proposal to stop 106 m<sup>2</sup> of road land adjoining 62 Weld Street, Wadestown.*

- (b) *Authorises officers to refer the proposal to stop 106 m<sup>2</sup> of road land adjoining 62 Weld Street, Wadestown, and the objections from Wadestown School's Road and Safety Committee, or Mr Kieran Simon to the Environment Court, if needed.*
- (c) *Delegates to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*

The meeting concluded at 10.20am.

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