
MINUTES

WEDNESDAY 9 DECEMBER 2009

1.01PM – 2.33PM

(1.22PM – 2.33PM PUBLIC EXCLUDED)

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

PRESENT:

Councillor Gill (Chair) (1.01pm – 1.24pm, 1.28pm – 2.33pm)
Councillor Best (1.01pm – 2.33pm)
Councillor Cook (1.01pm – 2.02pm, 2.03pm – 2.33pm)
Councillor Goulden (Deputy Chair) (1.01pm – 2.33pm)
Councillor Pannett (1.01pm – 2.33pm)
Councillor Wain (1.01pm – 1.47pm)

APOLOGIES:

Mayor Prendergast
Councillor Wain (early departure)

IN ATTENDANCE:

Councillor Foster (1.01pm – 1.17pm, 1.26pm – 1.54pm, 1.56pm – 2.28pm)
Councillor Wade-Brown (1.01pm – 1.17pm, 1.26pm – 2.13pm)

073/09RP **APOLOGIES**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Cook, the motion that apologies for absence be accepted from Mayor Prendergast and apologies for an early departure be accepted from Councillor Wain.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Accept apologies for absence from Mayor Prendergast.*
2. *Accept apologies for an early departure from Councillor Wain.*

074/09RP **MINUTES FOR CONFIRMATION**
(1215/53/IM)

Moved Councillor Goulden, seconded Councillor Best the motion that the Regulatory Processes Committee approve the minutes of the meeting held on Wednesday 14 October 2009 having been circulated, and agree that they 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 14 October 2009 having been circulated, and agree that they be taken as an accurate record of that meeting.*

075/09RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

Councillor Gill advised that she had a conflict of interest in relation to Report 6 – District Plan Change 30 (Ohiro Road Rezoning). She advised that she would not take part in debate or voting on the matter. Councillor Gill also advised that she would step aside from Chairing for the Public Excluded section of the meeting.

(Councillor Gill vacated the Chair due to a conflict of interest relating to the Public Participation section.)
(Councillor Goulden assumed the Chair.)

076/09RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

Paul Blaschke representing the Friends of Owhiro Stream and Geoff Melvin and Bob Waters were representing the Section 274 parties to the District Plan Change 30 (Ohiro Road Rezoning), addressed the meeting regarding Report 6 – District Plan Change 60 (Ohiro Road Rezoning). Mr Blaschke commended the Wellington City Council Planners for the approach taken and advised that there are strong concerns about the ability of the proposed plan change and outer residential zoning provisions to provide certainty under the Resource Management Act for the city and local community. This meant that the Section 274 parties would not be able to support the plan change in its current form.

TABLED: Speaking notes from Mr Blaschke. Reference 076/09RP1.

(Councillor Gill returned to Chairing the meeting.)

(Councillor Foster left the meeting at 1.17pm)

(Councillor Wade-Brown left the meeting at 1.17pm)

077/09RP **GRANTING OF GROUND LEASE TO WELLINGTON TENNIS INCORPORATED** (1.17PM - 1.18PM)
Report of Heather Cotton – Property Adviser and Amber Bill – Manager,
Community Engagement and Reserves.
(1215/53/IM) (REPORT 1)

Moved Councillor Gill, seconded Councillor Goulden, the substantive motion.

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Approve, subject to the terms and conditions noted in recommendations 3 and 4, the granting of a new ground lease to Wellington Tennis Incorporated in accordance with the Reserves Act 1977.*
3. *Note that the terms of the lease are:*

<i>Location:</i>	<i>Central Park, Brooklyn</i>
<i>Term:</i>	<i>10 years</i>
<i>Annual Rental:</i>	<i>\$9,775 + GST, reviewed in 3 years</i>
<i>Sub-leases to:</i>	<i>Tennis Central Region Incorporated</i>

Sub-sub-leases to: *Kaizen Academy NZ Ltd [martial arts]
KGC Tennis Ltd [canteen]
Strike Sports Wellington Limited [pro
shop]*

4. *Note that any approval to grant the lease is conditional on:*
- (i) *The lease being publicly notified in accordance with section 119 and 120 of the Reserves Act 1977.*
 - (ii) *There being no sustained objections resulting from the abovementioned consultation or notification.*
 - (iii) *The legal and advertising costs associated with preparing the lease are met by the Lessee.*

078/09RP **ROAD STOPPING AND DISPOSAL – THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 227 NEWLANDS ROAD, NEWLANDS** (1.18PM – 1.19PM)
Report of Paul Davidson – Property Adviser, Property Services.
(1215/53/IM) (REPORT 2)

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 that the Council, pursuant to section 40 of the Public Works Act 1981:*
 - (a) *Agree that the 1,368 m² area of unformed road (Road Land) adjoining 227 Newlands Road, Newlands 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 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).*
3. *Recommend that the Council:*
 - (a) *Approve the disposal of the Road Land.*

- (b) *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.*
 - (c) *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.*
 - (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 the Road Land, with the owner of the Adjoining Land, provided any such agreement is conditional upon the road being stopped.*
 - (e) *Agree that any funds the Council receives as a result of this disposal, will be used to contribute towards upgrading the remaining car park, and the public space of the Newlands Centre as proposed in the Draft Newlands Centre Plan.*
4. *Note that if objections are received and the applicant wishes to continue with the road stopping, a further report will be presented to the Committee for consideration.*

079/09RP **ROAD STOPPING AND DISPOSAL – THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 13 TANNADYCE STREET, STRATHMORE** (1.19PM – 1.20PM)

Report of Paul Davidson – Property Adviser, Property Services.

(1215/53/IM)

(REPORT 3)

Moved Councillor Gill, seconded Councillor Wain, 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) *Approve the disposal of the Road Land described as approximately 160m² (subject to survey) of unformed legal road adjoining 13 Tannadyce Street.*

- (b) *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) Public Works Act 1981 (if appropriate).*
 - (c) *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.*
 - (d) *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.*
 - (e) *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, either with the former owner or their successor, or the owner of the adjoining land, provided any such agreement is conditional upon the road being stopped.*
3. *Note that if objections are received and the applicant wishes to continue with the road stopping, a further report will be presented to the Committee for consideration.*

080/09RP **ROAD STOPPING AND DISPOSAL – THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 20 LUCKNOW TERRACE, KHANDALLAH** (1.20PM – 1.21PM)
 Report of Paul Davidson – Property Adviser, Property Services
 (1215/53/IM) (REPORT 4)

Moved Councillor Gill, seconded Councillor Wain, 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) *Approve the disposal of the Road Land described as approximately 130m² (subject to survey) of unformed legal road adjoining 20 Lucknow Terrace.*

- (b) *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) (if appropriate).*
 - (c) *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.*
 - (d) *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.*
 - (e) *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, either with the former owner or their successor, or the owner of the Adjoining Land, provided any such agreement is conditional upon the road being stopped.*
3. *Note that if objections are received and the applicant wishes to continue with the road stopping, a further report will be presented to the Committee for consideration.*

081/09RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Cook the motion to exclude the public.

The motion was put and was 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 5 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 6 District Plan Change 30 (Ohiro Road 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.

Report 7 District Plan Change 45 – Environment Court Appeal

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.

For items 082/09RP, 083/09RP, 084/09RP and 085/09RP, please see the public excluded minutes.

The meeting went into public excluded session at 1.22pm.

The meeting concluded at 2.33pm.

Confirmed: _____

Chair

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