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**MINUTES**

**WEDNESDAY 10 FEBRUARY 2010**

**1.05PM – 3.04PM**  
**(1.07PM – 2.07PM PUBLIC EXCLUDED)**  
**(2.25PM – 3.04PM PUBLIC EXCLUDED)**

**Committee Room 2**  
**Ground Floor, Council Offices**  
**101 Wakefield Street**  
**Wellington**

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**PRESENT:**

Councillor Gill (Chair) (1.05pm – 3.04pm)  
Councillor Best (1.05pm – 3.04pm)  
Councillor Cook (1.05pm – 3.01pm)  
Councillor Goulden (Deputy Chair) (1.05pm – 3.04pm)  
Councillor Pannett (1.05pm – 3.04pm)  
Councillor Wain (1.05pm – 3.04pm)

**APOLOGIES:**

Mayor Prendergast

**IN ATTENDANCE:**

Councillor Foster (1.05pm – 2.44pm, 2.46pm – 2.59pm, 3.00pm – 3.04pm)

001/10RP **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.*

002/10RP **MINUTES FOR CONFIRMATION**  
(1215/53/IM)

**Moved Councillor Gill, seconded Councillor Cook the motion that the Regulatory Processes Committee approve the minutes of the meeting held on Wednesday 11 November 2009, Thursday 19 November 2009 (extraordinary) and Wednesday 9 December 2009 having been circulated, and agree that they be taken as an accurate record of those meetings.**

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Approve the minutes of the meeting held on Wednesday 11 November 2009, Thursday 19 November 2009 (extraordinary) and Wednesday 9 December 2009 having been circulated, and agree that they be taken as an accurate record of those meetings.*

003/10RP **CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

There were no conflicts of interest.

004/10RP **PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

There was no public participation.

005/10RP **RESOLUTION TO EXCLUDE THE PUBLIC**  
(1215/53/IM)

**Moved Councillor Gill, seconded Councillor Wain 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 1 – District Plan Change 45 – Woodridge Estates Ltd – Appeal 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.

2. Permit the representative from Woodridge Estate Ltd, Norm Wright, and their advisors – Andrew Beatson of Bell Gully, Frank Boffa of Boffa Miskell, and Tim Kelly of Tim Kelly Transportation Planning Ltd - to remain at this meeting after the public have been excluded because of their specialist and expert knowledge of the matters under discussion for Report One.

3. 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 62 – Bellevue Estates – Newlands – Environment Court Appeal – 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 1.07pm.

For items 006/10RP please see the public excluded minutes.

The meeting returned to open session at 2.07pm.

007/10RP **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING  
130 CHURCHILL DRIVE – CROFTON DOWNS (2.07PM – 2.20PM)**  
Report of Paul Davidson – Property Adviser.  
(1215/53/IM) (REPORT 3)

**Moved Councillor Gill, seconded Councillor Cook the substantive motion with a new recommendation 4 as follows:**

New 4

“THAT the Regulatory Processes Committee:

Request officers to enter into discussions with the landowner to seek information on their intentions for the site and timing of any development.”

**The substantive motion with a new recommendation 4 was put and declared CARRIED.**

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend to Council that it:*
  - (a) *Approve the disposal of the Road Land described as approximately 1,301m<sup>2</sup> (subject to survey) of unformed legal road adjoining 130 Churchill Drive, Crofton Downs.*
  - (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.*
  4. ***Request officers to enter into discussions with the landowner to seek information on their intentions for the site and timing of any development.***

**NOTED:**

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

The Committee added the text in **bold**.

008/10RP **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING  
91 TIO TIO ROAD – SEATOUN** (2.20PM – 2.21PM)  
Report of Paul Davidson – Property Adviser.  
(1215/53/IM) (REPORT 4)

**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. *Recommend to Council that it:*
  - (a) *Approve the disposal of the Road Land described as approximately 454m<sup>2</sup> (subject to survey) of unformed legal road adjoining 91 and 93 Tio Tio Road, Seatoun.*
  - (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(s) 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.*

009/10RP **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING  
217 EVANS BAY PARADE – EVANS BAY** (2.21PM – 2.22PM)  
Report of Paul Davidson – Property Adviser.  
(1215/53/IM) (REPORT 5)

**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) *Approve the disposal of the Road Land described as approximately 210m<sup>2</sup> (subject to survey) of unformed legal road adjoining 217 Evans Bay Parade, Evans Bay.*
  - (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.*

010/10RP **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING  
65 TOTARA ROAD, MIRAMAR** (2.22PM – 2.23PM)  
Report of Paul Davidson – Property Adviser.  
(1215/53/IM) (REPORT 6)

**Moved Councillor Wain, seconded Councillor Pannett 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) *Approve the disposal of the Road Land described as approximately 55m<sup>2</sup> (subject to survey) of unformed legal road adjoining 65 Totara Road, Miramar.*
  - (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.*

011/10RP **ROAD STOPPING AND DISPOSAL – THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 109 FEATHERSTON STREET, WELLINGTON** (2.23PM – 2.24PM)  
 Report of Paul Davidson – Property Adviser.  
 (1215/53/IM) (REPORT 7)

**Moved Councillor Best, 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 the Council, pursuant to section 40 of the Public Works Act 1981:*
  - (a) *Agree that the approximately 4 m<sup>2</sup> area of unformed road (Road Land) on the corner of Featherston and Waring Taylor Streets, that adjoins 109 Featherston Street, Wellington is not required for a public work, can be stopped and amalgamated with the applicants land that is contained on CFR WN20D/669.*
  - (b) *Agree that the approximately 4 m<sup>2</sup> area of unformed road (Road Land) on the corner of Featherston and Ballance Streets, that adjoins 109 Featherston Street, Wellington is not required for*



*road, and can be stopped and amalgamated with Wellington City Council land that is contained on CFR WN20D/265.*

- (c) *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 on the corner of Featherston and Waring Taylor Streets, Wellington.*
- (b) *Approve the stopping of the Road Land on the corner of Featherston and Balance Streets, Wellington.*
- (c) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with the Public Works Act 1981.*
- (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, with the owner of the Adjoining Land, provided any such agreement is conditional upon the road being stopped.*

012/10RP **GRANTING OF LICENCE TO MOKAI KAINGA (2.24PM – 2.25PM)  
MAORI CENTRE**

Report of Heather Cotton – Property Adviser and Amber Bill, Manager,  
Community Engagement and Reserves.  
(1215/53/IM)

(REPORT 8)

**Moved Councillor Cook, seconded Councillor Pannett 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 licence to Mokai Kainga Maori Centre in accordance with the Local Government Act 2002.*

3. *Note that the terms of the licence are:*

**Location:** *Frobisher Street Reserve, Happy Valley*  
**Term:** *5 years, with one renewal of 5 years*  
**Annual Rental:** *\$1 + GST (if demanded)*

4. *Note that any approval to grant the licence is conditional on:*

- (a) Appropriate consultation with iwi.*
- (b) The licence being publicly notified in accordance with the Local Government Act 2002.*
- (c) There being no sustained objections resulting from the abovementioned consultation or notification.*
- (d) Mokai Kainga Maori Centre pays for the legal and advertising costs associated with preparing the licence.*

The meeting returned to public excluded at 2.25pm.

For items 013/10RP and 014/10RP please see the public excluded minutes.

The meeting concluded at 3.04pm.

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